July 1975 $1.50

California Journal

THE MONTHLY REPORT ON STATE GOVERNMENT AND POLITICS

MOVING PEOPLE

How can we end our love affair with the auto?

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

A PERSONAL PERSPECTIVE...

By Ed Salzman

Conscience, constituents . . . or caucus?

The second in the humorous but true-to-life Ten Commandments for Legislators written by Senator Albert S. Rodda of Sacramento states: "Legislators shall consistently vote on important issues as a matter of conscience, and their votes shall reflect their experience, knowledge and best judgment. . . . Except that legislators must consistently reflect in their votes on all major issues the will of the majority of their constituents, and this shall be a higher priority." In the case of Assembly members, Rodda should have added this corollary: "Except when prevented from doing either of the above by vote of party caucus, and the caucus position shall have the highest priority."

The Democratic and Republican caucuses in the Assembly have a rule stating simply that a party position may be taken by a two-thirds vote of the caucus. By tradition, no member is allowed to dissent from the caucus position — even when this requires a vote against conscience or constituents. The Democrats have rarely invoked this so-called binding-caucus-position rule and have used it primarily to solidify support behind a speakership candidate. The Republicans have used it a couple of times this year, notably in an attempt to block enactment of the marijuana-liberalization bill by Senator George Moscone of San Francisco (SB 95). The GOP caucus stand put the few members who wanted to support the Moscone bill in an awkward position, especially Assemblyman Frank Murphy of Santa Cruz, who happens to be caucus chairman. These members could vote against the bill or abstain (which has the same effect as a negative vote). Or they could incur the wrath of their colleagues and vote for it. Party solidarity was maintained, forcing the Democrats to seek the 41 votes needed to pass the bill strictly from within Democratic ranks.

It has been argued that one of the cornerstones of our system of government is party discipline and party responsibility, that the public is supposed to judge the record of each party at election time and vote accordingly. In states with party-line voting traditions, this holds true. But is this in keeping with the California system, where the voters are habitual ticket-splitters noted for choosing the candidate rather than the party? There would be hardly any Republicans in the Assembly today if the electorate had voted strictly along party lines last year. As Rodda's second commandment indicates, California legislators are supposed to vote their consciences and their constituencies. An elected official represents all the people in his or her district — not just those from one party.

An argument can also be made that, without partisan strategy and discipline, the legislative process would deteriorate into near-anarchy. A caucus meeting for the preparation of strategy is one thing, and a caucus position that binds every member is quite another. But if the caucus debate is to determine how each member of that party is going to vote or not vote, then this has become a crucial part of the deliberation process—perhaps even more important than the palaver that comes later on the floor of the Assembly. In this situation, at least, the public should be given the opportunity to watch that decision-making process through open caucus meetings. This is not now the case.

In an era of political reform, it hardly seems proper for any group to seek to prevent any lawmaker from voting his or her conscience through an action taken behind closed doors.

California Journal

THE MONTHLY ANALYSIS
OF STATE GOVERNMENT AND POLITICS

Volume VI, Number 7 July 1975

PRESIDENT AND PUBLISHER
Thomas R. Hoeber

EDITOR
Ed Salzman

MANAGING EDITOR
Bruce Keppel

WASHINGTON CORRESPONDENT:
Lou Cannon

ART: Ric Hügo, Tom Zanze, Jan Castle

SUBSCRIPTION MANAGER:
Barbara Aguirre

CALIFORNIA JOURNAL, which presents a non-ideological analysis of California government and politics, is published monthly by the California Center for Research and Education in Government, a non-profit, tax-exempt corporation.

Publication of the *Journal* is assisted by grants from Adolph's Foundation, Crown Zellerbach Foundation, Ford Foundation, Wallace A. Gerbode Foundation, and Natomas Company.

BOARD OF DIRECTORS

EUGENE C. LEE, chairman, director of the Institute of Governmental Studies, Berkeley.
JUDSON CLARK, California Research, Sacramento.
NATHANIEL S. COLLEY, attorney and NAACP western regional counsel, Sacramento.
DORMAN L. COMMONS, president, Natomas Company, San Francisco.
JAMES W. HALLEY, attorney and former Republican State Chairman, San Francisco.
THOMAS R. HOEBER, publisher, *California Journal*, Sacramento.
BERNARD HYINK, professor of political science, Fullerton.
EVELYN P. KAPLAN, past president, League of Women Voters of California, San Mateo.
ROSELLEN KERSHAW, past president, American Association of University Women, Fresno.
EDWIN MEESE III, vice president, Rohr Industries, Chula Vista.
JOHN V. NEWMAN, president, Utt Development Corp. and board chairman, The Irvine Company and Sunkist Growers, Inc.
EMILY G. PIKE, businesswoman, San Francisco.
MADELEINE H. RUSSELL, San Francisco.
JUDGE BRUCE SUMNER, Judicial Council of California.
MAYOR PETE WILSON, San Diego.
FOUNDERS: Judson Clark, Jerome Evans, Victor H. Fazio, William Geyer, and Thomas R. Hoeber.
COUNSEL: Conrad Lee Klein.

Subscription rates: Libraries and Governmental Agencies, $30; Corporations and Associations, $50; Special Individual Rate, $15.

Copyright 1975 by California Center for Research and Education in Government, 1617 10th Street, Sacramento, California 95814. Telephone: (916) 444-2840. Second class postage paid at Sacramento.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

UP FRONT

If the standards used to convict Indira Gandhi were applied to California, we wouldn't have any elected officials left .... The competition between former state Senator Fred Farr and his son, Sam, for a vacancy on the Monterey County Board of Supervisors produced an unusual letter to Governor Brown. Sam, wrote Fred, is okay, but if you really want a man with experience and know-how on the job, pick me. Young Jerry picked young Sam ....

We forecast in our January 5th anniversary issue that the way things are going California's governor in the year 2000 will probably be one Edna G. Brown. But the way a Los Angeles school board election went, the forecast might have been just a shade off. Kathleen Brown Rice, 29, Jerry's kid sister, whomped an incumbent, J.C. Chambers, with 60 percent of the vote .... Another newly elected Los Angeles woman, Superior Court Judge Joan Dempsey Klein, has her eye on a run for statewide office, perhaps attorney general ....

Congressman Pete Stark of the Oakland area, apparently not satisfied with all the publicity he received after applying for admission to the Congressional Black Caucus, craves a bit part in "All the President's Men". . . . As if the state Health Department didn't have enough problems, employees are complaining about a case of nepotism involving Deputy Director Dick Soderberg and wife Doris, who holds a key supervisory post in the department ....

Candidate corner: Former Republican Assemblyman Ray Johnson of Chico is already criss-crossing the cow counties preparing to tackle the "Silver Fox of the Siskiyous", the veteran state Senator Randolph Collier, next year. . . . Republican Senator Clare Berryhill of Stanislaus County is confiding that he may quit the Legislature rather than face aggressive Assemblyman John Garamendi, a freshman Democrat, next year .... The vultures are already perched in the trees following the indictment of Congressman Andrew Hinshaw of Orange County. Among those seeking the safest Republican seat in the state are former Congressman John Schmitz, Assemblyman Robert E. Badham, both with conservative credentials, and moderate Harry Jeffrey, son of a former Ohio Congressman, now teaching at Fullerton State.

CONTENTS

Moving people

If the freeway's out, what's in? 224
By Jeff Levine

How to curb the car 228
By Geoffrey E. Nunn

Dialing a wrong number 230
By Tom Higgins

Examining California's mental health 231
By Ed Salzman
"Warehousing" the mentally ill has largely been done away with in this state, but decentralization has brought uneven results in the 58 counties.

Is Proposition 9 working? 234
By Vigo G. Nielsen Jr.
The voters added 22,000 words of political reform to state law, and the commission created to translate intent into practice is toiling in trivia.

The Brothers Burton 239
By Daryl Lembke
Phillip and John of San Francisco constitute Congress' only brother act, but what the voters applaud is likely to be what they do, not how.

New look in the Capitol press corps 243
By Bruce Keppel
Television's golden age seems to have vanished with the former entertainer that attracted the cameras but that's not all that has changed.

Why Chicanos don't vote 245
By Ray Gonzales
Apathy's not a complete answer to the question of low voter turnout and internal bickering, according to the author, a victim of both.

Tale of the write-in Superman 247
By Janine O'Connor
Tom Suitt came out of nowhere to take an Assembly seat away from a lawmaker who looked like one of the few "safe" GOP incumbents.

Water, Water . . .

Delta ecology vs. Southern thirst 249
By James Dourgarian

No-growth politics of closing the tap 251
By John Kimo Campbell

Caucus by Hugo 242
Newsbriefs 253
Court actions 254
Newsmakers 255
Roll call 256
Lou Cannon 259

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

End of a love affair—1

Transportation crossroads

If the freeway's out, what's in?

By JEFF LEVINE

They are truly glorious predictions: By 1983 cars will be banned from our central cities, smog will be reduced by half, electro-magnetic people-movers will whisk us about on fixed guideways, and commuters will eschew their private autos in favor of free public transportation. These notions are incorporated in the State Transportation Plan, a document created during the Reagan years by 41 regional transportation agencies. The plan, which has been submitted to the State Transportation Board, is intended to be a long-range guideline for the Legislature. The foundation of these utopian notions, however, is definitely concrete — the stuff of which freeways are made. While the great era of freeway building is probably gone forever, the plan assumes plenty of use for the present 4,500-mile-plus system and predicts that we are going to be in deep financial trouble just trying to maintain it.

These predictions have not been greeted with overwhelming enthusiasm by the Brown administration. "From what I have seen so far," said Secretary of Business and Transportation Donald Burns in an address to traffic engineers, "it represents a vast outpouring of goals, policy statements, processes . . . and on and on. It is a veritable wind-tunnel of rhetoric. Indeed, it amounts to . . . exactly what has been on the drawing boards for years — more highways."

Mystique of freeways

So, while nearly everybody is talking about mass transit, no one is really sure what to do about it. And, for the moment, Californians need not beat their ignition keys into bus tokens. The reality is that, while the idea of freeways has fallen into disfavor for economic, environmental and esthetic reasons, we continue to depend on them.

Freeways have a mystique, and some of the millions of cultists who make their daily pilgrimages on these great, gray carpets acknowledged, in a recent Los Angeles *Times* article, that getting there is certainly half the fun. In any case, for better and worse, freeways are solidly embedded in cultural bedrock. They very nearly constitute a lifestyle in themselves for Southern Californians, who spend 10 percent of their time between on-ramps and exits.

"We spent a lot of money on highways," says Sid McCausland, deputy secretary for Business and Transportation, "because they have a broad constituency. They have helped us facilitate the development of land, the birth of the trucking industry, the enhancement of the ability to generate commerce. They are an opiate. You get a little, you want more, because you get a sense of freedom from having that highway system."

Funds dwindle

But freeways are figuratively and literally running out of gas. The main source for highway construction is the seven-cent state-local gasoline tax. Since the energy crisis caused dramatic increases in prices of petroleum products, gasoline sales and the highway revenues that accompany them have dwindled. Earlier projections for California gasoline sales of 18 billion gallons by 1983 have been scaled down to 12.5 billion. Meanwhile, labor costs have skyrocketed, too, and the state Department of Transportation is concerned about simply maintaining the state's 15,000-mile road network. More than a fifth of the 1975-76 highway budget is earmarked just for maintenance. At current levels of funding, capital outlays for highways will disappear entirely in the 1980s.

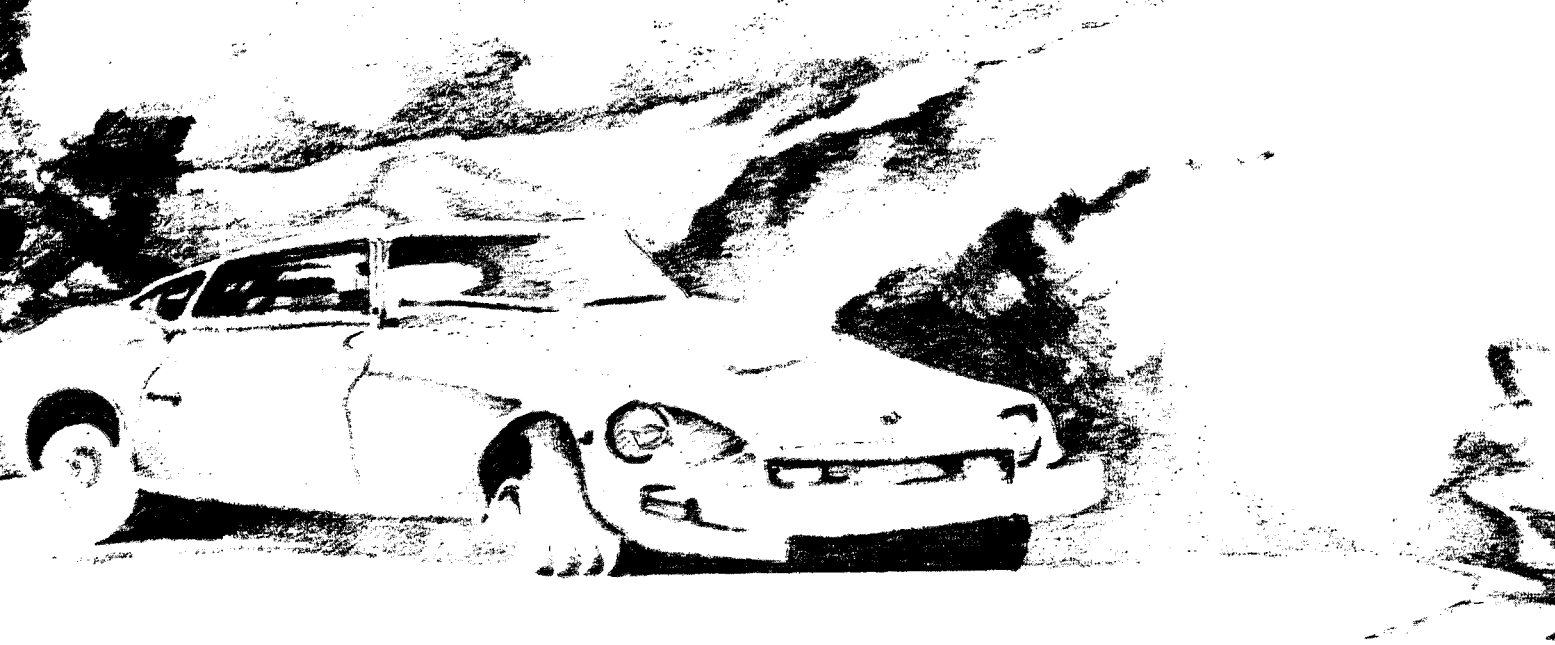
The prospects for attracting federal dollars aren't much brighter. While it's true that federal highway money is now available for financing mass transit, Secretary Burns charges that these changes are "largely illusory". "In order to really use those dollars," Burns said, we have to challenge a complex of state laws applying to minimum amounts to be spent in each county . . . or in each transportation district. We also have to violate the California Constitution."

The cash situation is so bad that, even with its billion-dollar-plus budget, the department may this fall face its first deficit. McCausland blames the financial pinch on inflation, high maintenance costs for aging freeways, and the federal government, which is now sending money that used to come to the state for highway construction back to local governments for mass transit. Even if the highway money were there, however, public officials would still be faced with the problems of smog and environmental deterioration, which are the waste products of this connected body of steel, asphalt and concrete.

An inauspicious time for the Brown administration to make its debut: The "euphoria" of the fifties and sixties that swept up engineers and planners in the construction of the great interstate highway system is over. In its place, the austere, cost-conscious seventies.

The author is producer of the television version of California Journal.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



If no more freeways are to be built, what can we look forward to? Certainly more mass transit, but apparently not fancy, "space-age" systems like that operated by Bay Area Rapid Transit. "I think if there's a hallmark of the Brown administration," says Burns, "it's the use of what we have and what we will have in a more cost-effective way. And I think we have to use the technology we now have, the systems and facilities we now have, in a better and more cost-effective way." During his speech to the traffic engineers in March, Burns made a negative reference to expensive, heavy-rail transit. No one doubted that he was referring to BART: "This administration has no intention of participating in the construction of any more Cadillac-commuter systems that have very little chance of providing adequate benefits in terms of their cost. . . . Improvements in public transportation, therefore, will be in more practical kinds of mass transit."

Lowered expectations

Does Governor Brown stand behind Burns on the issue of no more BART? At a press conference in April with Burns, Brown asked him to restate his comments on BART, then sounded what has become a watchword of his administration: "I would say that's a specific application of the general principle of lowering your expectations."

The Brown administration's disenchantment with BART is shared by many, including scientist Bill Wattenberg, who began investigating the system 2½ years ago at the request of Legislative Analyst A. Alan Post. Ultimately, BART engineers were forced to admit the accuracy of Wattenberg's charges. Wattenberg believes that Burns' Cadillac analogy makes sense. "For just the operating costs of BART you can, in fact, buy enough Cadillacs to move the same number of people, chauffeur-driven and maintained. And I'm not kidding. . . . You could buy a thousand Cadillacs for 10 million dollars. Another 10 million per year will maintain them. And that's less than the operating budget of BART!

"BART," he added, "is a transit system for the affluent, really, the supper-middle-class commuter — if it ever runs."

Burns conceded that BART is a beautiful system, but added, "We really don't have a choice in building more BARTs, because the money just isn't there."

If that news isn't too pleasing for the big aerospace contractors, Burns has brought some equally unhappy tidings to the highway establishment. "There will not be any new 10-lane freeways . . . . We will concentrate on safety and operational improvements and maintain the system we have." No widening of highway 50 over the Sierra Nevada to Lake Tahoe, for example, is now contemplated.

Bert Trask, who's been a lobbyist in Sacramento for more than 25 years for the California Truckers' Association, is concerned about an eventual Brown transportation policy that emphasizes mass transit over highways. "It bothers me," he said, "and it bothers most highway users. The reason is we hate to see them take all this money and push it into transit. If they want to set up a transit fund and build transit, we're for it. We'd like to get everybody off the highways but the trucks, but you can't do that, and people won't stand for it. And you've got to remember that 95 percent of the people in the state have drivers' licenses, and you start kicking them around and these people like Brown will soon find out that they've got a tiger by the tail."

Highway users are probably suffering from anxiety at this point, because it's easier to pinpoint the Brown administration's transportation policy in terms of its dislikes rather than its preferences as evidenced by hard proposals. Brown's people seem to know where they want to go but haven't figured what combination of physical facilities and institutional apparatus will get them there. Harry Parrish, chief of the mass transit division at the department, thinks questions of policy must be answered before hardware decisions can be made. "We start arguing whether it should be buses, or heavy rail, light rail, or more automated guideway systems . . . when these are not the problems the public is faced with," Parrish said. "They're more concerned with good, reliable and fast transit service. . . . The basic problem is one of the institutional arrangements we have at the local level."

Getting started

Right now those local institutions can pretty much do as they please — including competing among one another for federal grants. There is no state-wide mass-transit policy, a situation the Department of Transportation would like to change. They're supporting SB 101, authored by Senate President pro Tempore James Mills of San Diego. Mills' bill would create transit boards in Los Angeles, San Diego and Orange counties. These, Parrish believes, would have sufficient resources, responsibility and authority to "make something happen in transit." The boards would give the state the opportunity to plan programs and directly implement them through funding.

The department's Santa Monica Freeway demonstration project is a frustrating example of just how difficult it

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

A new game, with new rules ar

If California is really embarking on a new transportation policy — away from the automobile and toward other modes of moving people — what will happen to the state's large and powerful highway establishment?

In actuality, the influence of the highway establishment has diminished considerably in recent years, but it is hardly dead yet. Senator Randolph Collier of Siskiyou County, the "father of the freeway system", no longer packs the wallop he had as chairman of the Senate Finance Committee and earlier as head of the Senate Transportation Committee. Collier still heads Transportation but must now operate under more stringent roll-call rules, presiding over a lesser load of legislation. The key men in the transportation field in the upper house are President pro Tempore James R. Mills and Senator Alfred E. Alquist, two leading exponents of mass transit.

The emergence of men like Mills and Alquist coincides with a reduction in the influence of the highway lobby, which is composed of such interests as petroleum, auto manufacturers, truckers, auto clubs and others with an economic stake in the construction of freeways. Proposition 9, the Political Reform Act of 1974, made it even more difficult for these interests to get their way in the Legislature.

Balanced transport

Another key element in the old highway establishment was the state public-works bureaucracy. Geared primarily to the automobile, this bureaucracy has been undergoing a gradual change to what is supposed to emerge as a balanced system of transportation. What that means is that money previously dedicated to freeways is being shifted to mass transit. Mills has been the leader in theenactment of constitutional amendments and other bills to make more and more money available for mass transit, and he has even been willing to raise the gasoline tax to help the highway folks if necessary to keep the transit movement going.

During the Reagan administration, the director of the old Department of Public Works, James A. Moe, slowly altered the direction of the department — renamed Department of Transportation or Cal Trans — and at least talked about balancing the state's transportation system. A significant move was the establishment of a state Transportation Board to plot overall state policy, although the powerful Highway Commission with its huge budget for freeway projects was left untouched. During this time, inflation, and federal action cut the commission's flexibility as well as its real funding ability. Today, there is a problem in providing enough funds just to maintain the existing highway system.

is to get something going on the local level. For at least one year, the department has sought to restrict one lane of the Santa Monica Freeway, which with its 240,000-plus vehicle trips per day is the world's busiest, to buses and carpools. As the remaining lanes get more crowded, so the theory runs, motorists will eventually move into "high-occupancy vehicles" — at least until more mass transit can be built in the Los Angeles area.

Parrish and Burns have spoken enthusiastically of the Santa Monica plan, but McCausland is skeptical. The department had hoped to begin the experiment more than a year ago, and it appeared that all was ready to go for mid-June. But coordination problems among the myriad agencies involved have indefinitely pushed back the starting date. Overlapping jurisdictions tell the tale, McCausland said. The Southern California Rapid Transit District must cooperate with the Santa Monica City busline, which must cooperate with the Los Angeles City Council, which must cooperate with the Los Angeles County supervisors, who must cooperate with the Urban Mass Transit Administration in Washington — not to mention several other cities and private-property owners. "We haven't been able to orchestrate all these independent political bodies," admits McCausland. "If we can't do it on a demonstration level, where the visibility and national importance is as high as the Santa Monica Freeway, it's very hard to believe that we can go in successfully and monkey around with individual city streets and parking lots."

Should California municipalities get their act together, they could conceivably receive transit support from Proposition 5, which permits up to 25 percent of gas-tax revenues to be diverted to mass-transit projects, if the plans have local approval.

This year up to 5 percent of the gas-tax money is available, but getting it may not be all that easy. Whenever a grant for transit is approved, highway programs representing an equal amount of money must be simultaneously dropped. In a year when the department is facing its first cash deficit, the Highway Commission, which must approve all Proposition 5 grants, is certain to look hard at the proposals. Should the commission turn down the re-

Back in print:
1975 Journal Roster

Every office desk needs one: the *1975 California Journal Roster and Government Guide,* the handy booklet with the names and numbers of all the players in state government and politics. The first printing sold out rapidly, but some copies from the second printing are still available.

The roster contains basic information on constitutional officers, state departments and commissions, the state's congressional delegation, members of the Legislature and legislative committees, Capitol news bureaus, and a guide to the legislative process.

Copies are available at the following rates: Single copies, 50¢; 2-10 copies, 40¢ each; 11-50 copies, 30¢ each; 51 or more copies, 20¢ each. Please add 6% sales tax to all orders.

Send orders to California Journal Roster, 1617 10th St., Sacramento 95814.

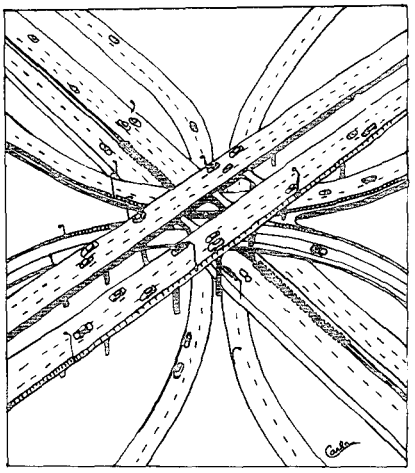
LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

w players — and what goal?

One of the main reasons why the public-works bureaucracy has been slow to convert to mass transit is that the checkered experience in bringing Bay Area Rapid Transit into existence has not furnished a model for a future state role in this field. Moreover, Southern California voters have repeatedly rejected mass-transit programs that would cost them money. Mills is attempting to get the state — rather than private engineering firms — to build future transit systems in California. He thinks that many of BART's problems could have been avoided had the Bay Area network been built by highway engineers, who may be criticized for lack of environmental sensitivity but hardly for a lack of efficiency and cost-consciousness.

Getting it together

What of the future? At some point, there will probably be a single state transportation authority combining the policy function of the Transportation Board, the highway-funding task of the Highway Commission and the toll-setting responsibilities



of the Toll Bridge Authority. The present system is obsolete, and the Brown administration will try to streamline it. Regional agencies may proliferate on the model of the Metropolitan Transportation Commission already operating in the Bay Area (and with the theoretical power to veto decisions made in Sacramento).

The Legislature wants less dependence on the automobile. The highway establishment no longer has the clout to prevent pro-transit measures from being enacted. The bureaucracy has been jolted, and the Brown administration is poised to take another step away from autos. But what of the public? Would Bay Area voters be willing to make additional investments for the extension and improvement of BART? Will Southern California voters suddenly start taxing themselves to build a basic rail network?

For a true transit revolution to take place in California, something or somebody with irresistible appeal must appear on the horizon to break up California's love affair with the automobile. *ED SALZMAN*

quests, there is a board of appeal, consisting of Board of Transportation and Highway Commission members. The secretary of Business and Transportation — Burns — is the tie-breaker. Whether the various boards and commissions under the transportation umbrella are going to wind up stepping on each other's toes is another question in which Burns has expressed considerable interest. "State-wide, there are sixty various and sundry boards and commissions . . . just appointing members to them is enough to keep a governor busy," said Burns. "I can tell you at this point we are strongly considering abolition of all of them and the creation of a single state transportation commission."

More taxes?

In the meantime, department officials aren't concerned about a possible run-in with the Highway Commission over Proposition 5 money, which, by the way, the law says must be allocated only for fixed guide-rail systems. San Diego, Long Beach and Los Angeles have applications pending. Of the three projects, the most ambitious is the San Diego request for a downtown, aerial, people-mover system about seven miles long that would cost about $10 million a mile to build. None of the grants has yet been approved or denied.

Should Proposition 5 fail to provide the needed transit revenue, there's always the possibility of increasing taxes. Senator Mills has already proposed an additional two cents-a-gallon increase for mass transit, to take effect in July 1976. With the current state tax of seven cents per gallon, plus the federal four cents tax and the additional two cents state sales tax of about two cents, Mills' suggested levy would bring the total tax on gasoline, including state sales tax, to 15 cents a gallon.

Even if money for mass transit could be found, would people abandon their cars? Last November Los Angeles voters rejected Proposition A, which would have created the first phase of a multi-billion-dollar mass-transit project for Southern California. Right now Bay Area residents are spending more than anyone else for transit and — while some benefits are apparent — so are plenty of automobiles. "No matter how good the transit system," said McCausland, "if you have that attractive option of using your own wheels to take you where you want to go, when you want to go, it's a siren that you can't escape from."

McCausland believes that for every dollar you put in to make transit effective, you have to make one more difficult political decision. "Up to this point, we've put in a lot of dollars and have yet to make any of the difficult political decisions," he said. "The absence of people biting the bullet and actually deciding that we are going to tamper with lifestyles . . . [means that] I don't see any point in putting any more money in."

Biting the bullet

Biting the bullet seems to be what the Brown administration is advocating. "I think in line with the Governor's general policy that we must look at our priorities and lower our expectations," commented Burns. "Perhaps what we always assumed, which is that progress means more [is wrong]. Maybe progress means *less*, maybe a better society is a less-mobile society. . . . I think we have to look very carefully at whether we should assume that more transportation is necessarily a plus."

So far, the Brown position has been built on rhetoric, and it will take more than ringing phrases to get Californians out of their cars, if our history of mass transit is any indicator. The question may be: *Whose* expectations need lowering?

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

End of a love affair—2

Curbing the car by pinching the pocketbook

By GEOFFREY E. NUNN

It is well established that the private automobile contributes heavily to urban air pollution. So far, the main thrust of government policy has been to pressure manufacturers to lower emission levels on new automobiles. While the results of this policy have not been totally discouraging, real success probably means finding a replacement for the internal-combusion engine. There is no evidence, however, to suggest any such technological breakthrough or any significant improvement in air quality through 1980.

The enthusiasm for rapid-transit systems is also linked to the belief that technology holds the answer to air pollution. This belief in the efficacy of technology is what *Consumer Reports* referred to in its March issue as the "moonshot mentality". A prominent victim of this mentality, according to the magazine, is the Bay Area, which went ahead with a rapid-transit system notwithstanding the serious doubts that were raised. In its discussion of BART, *Consumer Reports* recalled looking at the proposed system with hope:

> Seen now in hindsight, that look was through rose-colored glasses. The $1 billion originally budgeted for BART was supposed to buy a major easing of the San Francisco Bay Area's transportation problems. Instead, the $1.6 billion actually spent has bought unreliable equipment and a seemingly endless sequence of breakdowns, hundreds of millions of dollars worth of lawsuits, and massive operating deficits in a system that was planned to pay its own way.

The system will run up an operating deficit of $15 million this year, and faces a projected deficit of $100 million over the next five years. These deficits will mean substantially higher taxes unless San Francisco is willing to extend its already precarious existing debt. Whichever course it follows, financial bankruptcy of the city continues to be a strong possibility. (Last year, San Francisco appealed for additional federal funds to avert bankruptcy.) More than that, BART has had little of the good results that were predicted. Highways and streets in the East Bay communities are as gorged with automobiles as before, a condition that the correction of BART's existing technical problems will not remedy.

Despite BART's experience, Santa Clara County Transit District seems to be forging ahead with a rapid-transit system of its own. The official price tag is $3 billion. If this were paid all at once, it would mean a tax burden of more than $10,000 for each household. If history repeats itself, the Santa Clara system will experience cost overruns and operating deficits that will mean still more taxes.

Bad economics

Worsening air pollution owes its existence at least as much to bad economics as to bad technology. Commuters are wedded to their private automobile because public policy makes it uneconomical for them to do otherwise. Current policies are ill-conceived because of the heavy subsidies they grant the personal automobile. The motorist pays very little of the cost to society of driving his car. He does not pay for all highways and streets that are built; nor does he pay for highway maintenance, traffic police, street cleaning and beautification — costs that are incurred by all citizens who pay taxes since much of the financing is usually done with general state and local revenues. There are also other costs that the motorist creates but does not incur: The cost of fouling the air with exhaust emissions and the cost of slowing down buses and other vehicles during rush hour. Small wonder, then, that he continues to use his car even in cities where mass-transit facilities have been made available.

European experience

The typical American visitor to Europe is impressed with the generally high quality of public transportation. Europe has efficient transportation because almost everyone uses it. Unlike the United States, where the price of gasoline has been artificially cheap due to government subsidies, in Europe it is very expensive to drive an automobile. In this country, artificially cheap gasoline coupled with driving subsidies have fostered a single-commuter lifestyle. In Santa Clara County, five out of six rush-hour vehicles contain only the driver. Without the subsidies would the lifestyle remain?

The problem is to change the incentives of the traveling public away from single-occupant private automobiles toward buses and car-pools. This requires not new technology but better economic policy. A combination of positive and negative inducements could be introduced to encourage commuters to change their habits. For example: free or partially subsidized buses, subsidized jitney service, rush-hour tolls, higher gasoline taxes and parking fees. To attract passengers to buses,

The writer, an associate professor of economics at San Jose State University, co-authored "A positive side to the energy crisis" in the April issue.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

service within the city should either be provided without charge or be heavily subsidized.

For years, economists have argued in favor of rush-hour tolls. These would be imposed on private motorists at main entry points in the downtown area. In New York City, it has been proposed to put a toll on the Harlem and East River bridges to discourage automobile commuting and generating revenues to subsidize mass transit. Free or inexpensive bus service and the use of tolls, whereby travelers are charged for using their automobiles, would complement each other. Unclogging the main arteries would make buses more attractive to ride. More bus riders would mean less congested expressways. Each approach would contribute to raising the efficiency of the system and reducing pollution.

Parking surcharges

One of the most feasible and widely used methods of discouraging use of private cars is through parking taxes. In Pittsburgh, taxes were levied recently on private parking facilities in the downtown areas where there was a heavy concentration of motor vehicles. Garage owners claimed that the 20 percent tax levy imposed on their gross receipts amounted to a confiscatory exercise of taxing power. They appealed to the Supreme Court which ruled in favor of the city, stating that the operators were entitled to pass on the increased cost to the users, who "as a class" should pay more for service inherent in the twice-daily movement of large numbers of cars on city streets.

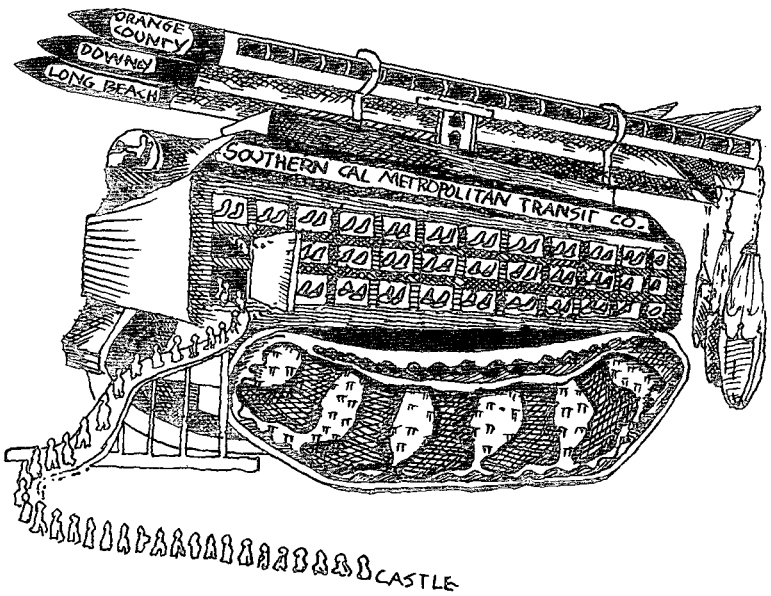
In Washington, D.C., the Environmental Protection Agency proposed a system of gradually escalating parking fees to discourage urban parking and improve the quality of air. This summer, a daily surcharge of 50 cents is to be imposed on urban parking, which increases by steps to $2 a day by the end of 1976. Revenues derived from the parking fees will be used to finance mass-transit improvements.

In Los Angeles, EPA announced a similar system of increasing parking fees to discourage private cars from parking downtown. The plan is designed to reduce air pollution from automobile exhausts by imposing extra costs on motorists. Under the first stage of the Los Angeles plan, there will be a surcharge of 10 cents an hour on commercial parking downtown. Government and private institutions providing free space for employees or others will pay fees of $180 annually for each space. This program has brought forth considerable criticism from residents who feel that commercial parking will be priced beyond the reach of the middle-income worker.

Gasoline taxes

Perhaps the most feasible method of curbing urban air pollution is to levy higher taxes on gasoline. Historically cheap gasoline — cheap only because of government subsidies — is responsible to a great extent for the air pollution, transit, and energy woes America now faces. That existing gasoline prices are too low is supported by the lack of public enthusiasm for carpools. A federally aided carpool program in Los Angeles, the largest in the nation, has attracted only 12,000 commuters since August, although there are an estimated four million drivers in the Los Angeles area. Results in 80 other federally aided car-pool programs are no better.

Public resistance to higher gasoline taxes may be partly due to myopic vision that focuses only on the real income loss that results. In principle, however, the added tax revenues could be recycled to the public, more



or less as compensation (depending upon the individual's gasoline use) for the loss in income. The losers under this approach would be motorists above average in gasoline consumption. Alternatively, the additional tax revenue could be used to finance public transportation subsidies such as free bus service.

Gasoline rationing is another way of curbing demand. Although public-opinion polls also show a surprising amount of support for rationing, the history of rationing is one of social havoc and lawlessness. During World War II, gasoline rationing led to flourishing black markets, particularly in the major metropolitan centers on the East Coast. The effect was to sabotage legitimate needs that existed elsewhere. Moreover, no one has yet devised an fair way to allocate rationing coupons. Would the number be based on family size, distance to work, type of car, number of cars, number of licensed drivers — or what? In addition to the inequities, gasoline rationing would be costly to administer. The Department of the Treasury has estimated that a national rationing program would cost at least $2 billion a year just to run. And there would be other costs as well, including the new burdens placed on law-enforcement agencies.

New Trends

New approaches will be needed to deal with urban air pollution. Communities need some alternatives to the proliferation of highways and motor vehicles. Enlarging the capacity of expressways and access roads only serves to stimulate the appetite of the public for travel by private car. The alternative is to make better use of the existing capacity of expressways and urban streets by a mixture of measures — levying tolls on non-carpooling in drivers, surcharging downtown parking, subsidizing buses and jitneys, and enacting higher gasoline taxes. Such measures could obviate the need for the massive financial outlays required to build rapid-transit systems a la BART.

These innovations would significantly reduce the number of motor vehicles used in urban areas, thereby improving the quality of life in those areas, while conserving non-renewable fuel, and moving toward a more intelligent and responsible air-pollution program — one that does not depend on the technological "moonshot mentality".

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

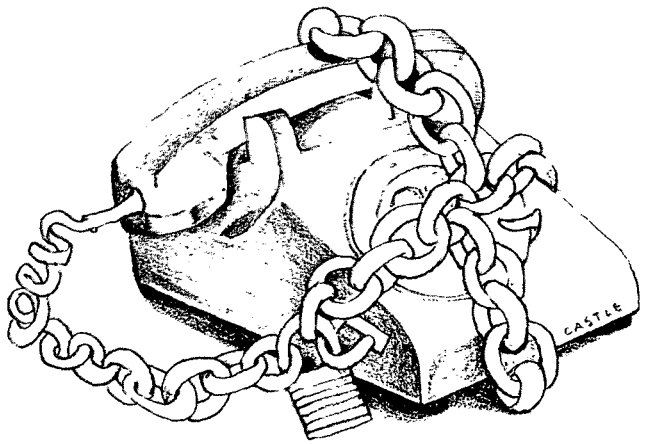
End of a love affair – 3

Dialing a wrong number *or* The Santa Clara experiment that failed

By TOM HIGGINS

What mayor, city manager, city councilman or county supervisor wouldn't like a transit innovation that would entice enough motorists from their cars to make a significant reduction in congestion and pollution? What decision-maker hasn't also given thought to providing better mobility to the poor, elderly and handicapped? No wonder, then, that "dial-a-ride" caught the eye of many a decision-maker: Door-to-door service to and from almost any place. Yet, the evidence is that dial-a-ride simply costs too much for the benefits it delivers.

Most dial-a-rides are operated by public agencies and offer shared, door-to-door service in small buses to travelers with different origins and destinations. Users call a dispatching station perhaps 20 minutes before the desired departure, indicate the number in the party and their destinations and are then assigned a specific pick-up time. The dispatcher develops routes for the buses, depending on the distribution of demands to minimize miles travelled and time spent waiting. Dial-a-ride is like a shared taxi ride.



Some shortcomings

The short-comings with dial-a-ride are many. First, service typically has not aroused heavy demand, leading to the conclusion that it cannot significantly reduce congestion and pollution. Existing systems gain only 5 to 8 requests per square mile per hour. (In Canada, where car ownership is not as extensive as in the United States and where harsh winters contribute to the use of dial-a-ride, demands average 10 requests per square mile per hour. (This small demand is reflected in the ridership or "productivity" of only 5 to 10 riders per vehicle per hour.) This means that a community of 30,000 inhabitants can expect daily ridership of no more than 600 people. Somehow, the combination of low fare and comfortable and relatively quick service cannot by itself significantly reduce auto congestion and pollution.

Ridership surveys show that many patrons are not the poor or the elderly. The poor and the elderly make use of the systems generally no more than their proportion in the population. So the high subsidies are supporting the transportation of many middle- and upper-income riders. This might not be significant if the community as a whole were benefitting from reduced congestion or pollution.

As the experience of Santa Clara County shows, where dial-a-ride quietly folded after a trial spin, it appears that taxi owners and operators can successfully sue city and county dial-a-ride sponsors for business lost to the service. Taxis in Santa Clara County won a court order either to halt the county system or oblige the county to buy all the taxis. Because the PUC code under which the taxis sued is typical of much transit district legislation in California, the California Taxicab Owners Association can be expected to maintain a watchful eye on future dial-a-rides.

On the other hand . . .

While many of the lessons about dial-a-ride may appear discouraging, certain positive lessons are to be learned — mostly about the role of the private sector in providing a similar service. For example, in Davenport, Iowa, and Hicksville, New York, entrepreneurs have for several years offered shared ride, dial-a-cabs with no subsidy whatsoever. All that was required was a change in the usual regulation forbidding group rides. Of course, fares are higher than on public dial-a-rides. In 1974, average fares were $1.25 in Davenport and $1.80 in Hicksville. These rates may exceed the ability of the poor or the pensioner to pay, and perhaps subsidies could be granted to them on a voucher basis. Suppose that in Davenport, for example, persons over 62 purchased tickets from the city at 50 cents each. If the company charged the city the full fare of the trip — $1.25 on the

Please turn to DIAL, page 238

The author is a transportation analyst with a Berkeley public policy research firm.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Examining California's mental health

Safety on the street

vs.

Rights of the disturbed

By ED SALZMAN

Between them, Charles Richard Soper, Gary Raphael Walker, Mary Maloney, Edward Kemper and John Phillip Bunyard killed a dozen people after having been released from state mental hospitals as theoretically safe to return to society. Atrocity cases such as these (and there are others) constitute the prime argument of those who claim that California's pioneering Lanterman-Petris-Short Act is a failure and that the state should put more mentally ill people behind locked doors in mental hospitals and keep them there longer. In other words, the LPS critics want to go back to the days when it was easy to incarcerate someone in one of these medium-security institutions and when potential public protection from "lunatics" was placed far ahead of an individual's right to liberty and the pursuit of happiness.

Putting aside for a moment those who have committed, in all, perhaps a hundred murders after leaving mental institutions, take a look at the case of one of California's most illustrious citizens, Robert H. Simpson. As everyone in Sacramento (and a good many people elsewhere) knows, Simpson is the angry old man who has been arrested more than 300 times for picketing inside the Capitol with his colorful signs calling all variety of politicians bastards, among other things. A couple of decades ago, Simpson might have spent the rest of his days in sedated "peace". Today, that kind of action depriving even an anti-establishment character like Simpson of his liberty would be considered unthinkable. Thanks in part to the campaign that started just about a decade ago in the Legislature, the Simpsons of California cannot be deprived of personal freedom just because they act a little (or even a lot) differently from the rest of us.

Too much, too soon?

Ironically, what started Simpson on his crusade for justice was maltreatment in a state mental hospital. He claims he was railroaded into Agnews State Hospital and made to endure medieval physical torture there. He has since been determined to bring to justice those whom he thinks wrongfully committed and maltreated him. Some of Simpson's targets have conceded that he has some legitimate gripes but contend that there is no legal way for him to get retribution. But LPS, called the "Magna Carta for the mentally ill", has made it virtually impossible for such a case to happen again.

The nature of the communications media is such that the cases of the Sopers, Walkers, Maloneys, Kempers and Bunyards get much more public attention than the cases of the Simpsons and many others who would otherwise unjustifiably lose their liberty had LPS not been enacted. One problem with LPS — and there is almost unanimous agreement on this — is that it was put into effect without adequate planning and without preparing counties to carry out their massive responsibilities under the new system. State prisons don't release felons without having parole officers to watch them, the critics contend, but the mental hospitals were releasing the mentally disordered without any guarantee of adequate aftercare. (The basic assumption of LPS is that the mentally ill must not be treated like criminals.)

Some shortcomings

The attacks on LPS hit a peak about 18 months ago after a wave of violence by former patients. Wrote Sharland Trotter and Bob Kuttner in the Los Angeles *Times:* "Despite good intentions, we have actually gone from the 19th-Century snake pits back to the Middle Ages, when the mentally ill roamed the streets — sick, helpless and isolated." The thousands of patients released from hospitals, they note, were supposed to go home. But many of them had no homes. A common complaint is that those moved out of Agnews settled in a "board and care ghetto in San Jose", a neighborhood detested by the larger community and blighted today much like a skid row.

The atrocity tales were accumulated in telling fashion by Los Angeles writer Janet Chase for an article that appeared in *Human Behavior* in October 1973. In it, she asked the obvious question as to whether the state had gone too far in the name of individual liberty and placed society at large in danger and, if so, whether a more comfortable middle ground might be sought. The answer, from proponents of LPS, is that there have always been sensational killings credited to former victims of mental illness and that the only way to guarantee no violent crimes by the mentally ill is to lock all of them up forever. California has opted on the side of individual freedom, and there will always be those who feel that the scales should be weighted more on the side of public safety.

But even its proponents concede that LPS is not perfect; nor is it a success in every one of the state's 58 counties. Assemblyman Frank Lanterman, principal author of the act, has submitted numerous proposals to refine it, and

Background reading

For a detailed analysis of the provisions and history of the Lanterman-Petris-Short legislation, see "California shifts to community mental health programs" in the June-July 1972 *California Journal.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

many others undoubtedly will be offered. But the biggest problem is caused by the fact that the mental health program is operated by the counties, and that there is great variation in administration. And a look at what happened a year ago may not reveal the situation today. (Sacramento County, for example, has gone from being one of the worst to one of the best in the state in administering the program.)

Although California had the Short-Doyle program, providing 75 percent state funding of community mental health plans already in operation, the real thrust of the LPS revolution did not hit the Legislature until 10 years ago. In 1965, a two-year-old Assembly Ways and Means subcommittee headed by then-Assemblyman Jerome Waldie of Antioch came up with a bill designed to provide better care for the state's mentally retarded, who had for the most part been "warehoused" in state hospitals. Under the Waldie legislation, drafted by staff member Arthur Bolton working in perhaps the most cramped office in the Capitol, regional diagnostic and counseling centers were created to help families determine whether their children were retarded and, if so, to find a proper place to treat them. Waldie's aim was to have the state shift fiscal resources from state to community-care facilities, but the state has not done nearly as much as Bolton and Waldie had anticipated. Nevertheless, this part of the program rarely gets any publicity and is not nearly as controversial as its stepchild, LPS.

Poor bargain

After winning the legislative battle over the retarded, the subcommittee turned its attention to the mentally ill. Why, the Assemblyman asked, couldn't the same basic principle — freedom of choice — be applied to the mentally ill, especially since it had already been proved that Short-Doyle and the new tranquilizing drugs could make an out-patient system feasible for most mentally ill patients? At this point, about a thousand Californians a month were being involuntarily committed to mental institutions. About this time, Waldie was elected to Congress and Bolton was headed for a promotion to head the Assembly Office of Research. The project continued under the leadership of then-Assemblyman (and now-Senator) Nicholas C. Petris and, eventually, Lanterman, with Bolton continuing to supervise the staff work. The old system was based on the assumption that easy commitment to a hospital was for the patient's own good. "It is painful to face up to the fact that trading 'your liberty for your treatment' is often a poor bargain," noted a report prepared at the time by the Assembly.

In brief, Lanterman-Petris-Short, enacted through complex legislative maneuvering, banned involuntary commitments for indefinite periods. The most anyone can now be confined without court permission is 17 days; long-term commitment must either be voluntary or ordered by a court following a hearing. The basic assumption is that most patients will be handled in the community under state-local funding, with the state providing 90 percent, and that only those especially dangerous to society will be sent to a state hospital. And counties are given fiscal incentives not to use hospitals. In addition, the patients are given such basic rights as retention of personal property, refusal of shock treatment, use of telephones, voting privileges, and receiving uncensored mail. In 1969, when LPS took effect, the proponents argued that many inmates of state prisons had more rights and freedom than the hospitalized mentally ill.

Lack of measure

Bolton finds it difficult to deal with the contention that his brainchild is killing Californians because, he said, it is impossible to compare the murders committed by the mentally ill before LPS and since its enactment. The sponsors of the legislation argue that the crime rate is lower among former mental patients than among the general population. (The other side of the coin: Senator H. L. Richardson, who would like to see more patients in hospitals, cited a San Mateo County study showing that 59 percent of 260 patients received no treatment within 19 months after release from the hospital, and 19 percent of the total committed crimes — although most were minor — during that period.)

There is some unanimity of view between the mental health organizations, legislative staff members and academicians about how well LPS has been working. The consensus is that the program is much better than the old system but needs improving — especially in the area of "after-care". George Argys of the California Mental Health Association considers California to have the best mental health program in the country, and experts from elsewhere do come here to see how LPS operates.

Why was a strong after-care plan omitted? Steve Thompson, a private consultant who worked on the program while a member of the legislative staff, claims that it would have jeopardized the delicate package to have put potentially expensive post-release requirements in the bill. (The measure was opposed by some strong groups, including the California State Employees Association, which represents workers in the hospitals — employees who were in danger of losing their jobs. Judges, psychiatrists and doctors also opposed the bill.)

Achilles heel

After-care is often described as the Achilles heel of LPS, though it was hardly created by enactment of the 1969 law; prior to that, the state hospitals were gradually

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

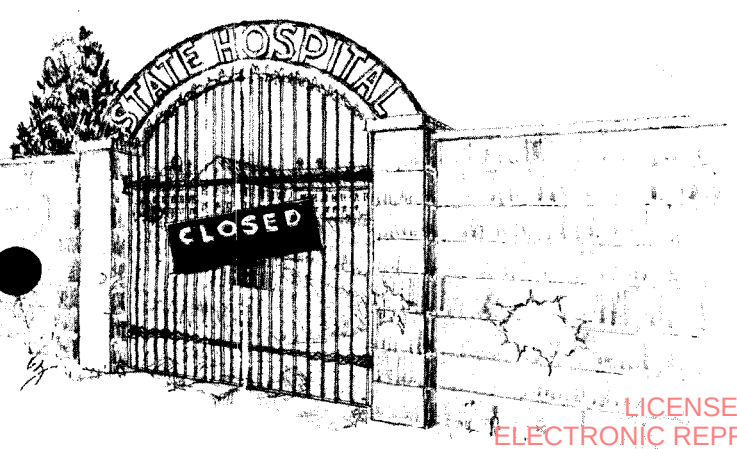
being emptied because the state found that regular use of tranquilizer drugs made it possible to release increasing numbers of hospitalized mentally ill patients to their own communities. But the new program put large numbers of these patients onto the streets in one big wave and without adequate preparation by the counties. The word "after-care", incidentally, is in most cases actually a misnomer, because most mentally ill patients never enter state hospitals. They may "flip out" and seek help at a local clinic and then return to their families without needing close attention. Or they may be poor people living in a house for the mentally disturbed in a run-down part of town, and their basic problem may well be poverty, not mental disease. Others in the neighborhood slums may also be in need of help but don't seek it. Or they may be middle-class Californians who need help periodically but are generally able to cope with their problems without constant care.

There are hundreds of "after-care" programs in California's 58 counties. Some show great promise, and some undoubtedly ought to be drastically revised. Unfortunately, there is no push from the state Department of Health to get more counties to copy the good programs and abandon the bad. (This is partly because the Department of Health has become a bureaucratic wasteland desperately needing reform and streamlining.)

Expensive care

But what of the chronically mentally disturbed who do need help on a constant basis? As Thompson pointed out, this kind of care is expensive. The obvious way to handle this problem is to assign each of these chronic patients to a case manager or social worker who would be a "buddy" to the individual and send him or her to the proper resource when help is needed. This system is working well with the retarded and could now be instituted relatively inexpensively because 75 percent funding is available from Washington. And it could save money by reducing even further the need for costly hospital care. There is no shortage of talent to fill these potential jobs, and with competent case-workers, it is argued, the Sopers, Walkers, Maloneys, Kempers and Bunyards of the future might be rendered harmless.

Arthur Bolton, the investigator who crafted LPS, claims that the criticism of those who fear that mentally deranged killers are being freed is not nearly so great a long-run problem as the opposition of the state hospital employees, who have an economic stake in the old system. Through the California State Employees Association (and its political campaign contributions) they carry considerable weight in the Legislature. It was employee opposition, in part, that prevented the administration of Governor Ronald Reagan in 1973 from carrying out its plan to close by 1977 all state hospitals except two for the criminally insane. This would have put thousands of state workers out of jobs, and it would also have put thousands of the most seriously ill inmates into the communities, which were not then providing adequate out-patient care for those already released. Propelled by the protests of CSEA, legislative supporters of LPS like then-Assemblyman (now Representative) John L. Burton and Senators Alfred Alquist and Nicholas Petris led the fight to prevent the closing of any more state hospitals, which after all was a logical extention of LPS. This led to the first override of a gubernatorial veto since the administration of Earl Warren. (1943-53).



The changing hospital population

The following chart shows how the state-hospital patient load has changed in the last decade before and after enactment of the Waldie mental retardation program and the Lanterman-Petris-Short "Magna Carta" for the mentally disturbed.

	1964		1974	
	Retarded	Ill	Retarded	Ill
All hospitals	12,786	32,622	10,120	6,627
Agnews (San Jose)	0	4,161	805	0
Atascadero	0	1,604	0	1,187
Camarillo	0	5,719	624	1,645
Dewitt (Auburn)	1,044	1,093	0	0
Fairview (Costa Mesa)	2,298	0	1,715	0
Mendocino	0	2,061	0	0
Metropolitan (Norwalk)	0	3,880	0	1,267
Modesto	0	2,071	0	0
Napa	0	4,771	391	1,756
Pacific (Pomona)	2,931	0	1,794	0
Patton	505	3,943	379	641
Porterville	2,583	0	1,790	0
Sonoma	3,425	0	1,978	0
Stockton	0	3,319	644	133

Source: State Department of Health

Problem of execution

In short, there is no simple answer to the question: Is LPS a success or a failure? It is clearly superior to the system it replaced. Compared to the expectations of Petris, Lanterman and Bolton, however, it is not without shortcomings. In evaluating LPS, stressed Petris, it should be kept in mind that the mental hospitals used to be "warehouses for the idiosyncratic, aged, senile, the odd and the different." But, as Petris also pointed out, some of today's "madmen" can become tomorrow's heroes. (And Robert Simpson has certainly become something of a folk hero.)

The big problem with LPS is not its theory but its implementation. How do you develop an effective system of supervising people who are not criminals but need only regular mental health checkups and are as likely to avoid visiting the psychiatrist regularly as the mentally sound are apt to avoid visiting the dentist every six months? Petris claims that a patient-advocacy system should be developed so that the out-patients don't become mere statistics. "The system," he said, "needs constant attention and revision. It needs — as the patients it serves — love."

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Is Proposition 9 working?

- ***The difficulty of putting reform into practice***
- ***Coping with the tangle of trivia and the density of data***
- ***The problem of still unregulated and unreported lobbying***

By VIGO G. NIELSEN JR.

Let's look ahead a moment, hypothetically:

July 11, 1975: *Governor Jerry Brown makes an unexpected visit to the Fair Political Practices Commission meeting in honor of its first six-month anniversary. Ignoring formality and requesting the commission to proceed, he leafs through the agenda. The Regents, the Criminal Justice Council and the other state departments have withered under the Governor's existential questioning, but how tough will he be on his own creation, the "Political Reform Act of 1974"?*

Brown scans a draft opinion on lobbyist contributions: "A lobbyist can express an opinion on the qualifications of a particular candidate, wear a political button or display a bumper-sticker as long as he or she is not doing so in order to influence the employer's contribution decisions." What

does that mean? he asks. The chairman explains that a lobbyist may communicate certain information concerning bills that may affect the employer's interest; or communicate a position taken by a state official on an issue; or relate which officials are up for election; or describe the probable effect of the re-election of an office-holder on the employer's interest; or submit a rating or other evaluation of the official to his employer, provided that none of these acts is done partially or wholly for the purpose of influencing decisions on campaign contributions.

The Governor winces and asks what else is on the agenda. The chairman explains that campaigners want to use stamps on envelopes so people will open their mail but Proposition 9 requires metered postage. Legislator X wonders if he should disclose that his bitch that has mated with a sire owned by lobbyist Y and the puppies were born after Proposition 9 went into effect. A lobbyist's wife is planning to co-host a reception with a legislator's wife since both own businesses in the same building and plan to share the costs. And . . .

The Governor interrupts. "But we're regulating lobbyists and legislators only in their public *activity, right?" (The Governor has strong views on privacy.) Wrong, answers the commission, and begins discussing a regulation on "Home Hospitality" that will require disclosure of a lobbyist's home entertaining but will keep private its cost if the lobbyist is not reimbursed and does not deduct it from his federal or state taxes.*

Next is a question from the audience: "Under your accounting regulations, is a lobbyist's cab ride to the airport, if he unexpectedly picks up a legislator, disclosed as an 'activity expense' to the legislator, or as a 'personal maintenance expense' since it is transportation, or as 'petty cash' since the cabbie wouldn't take a check?"

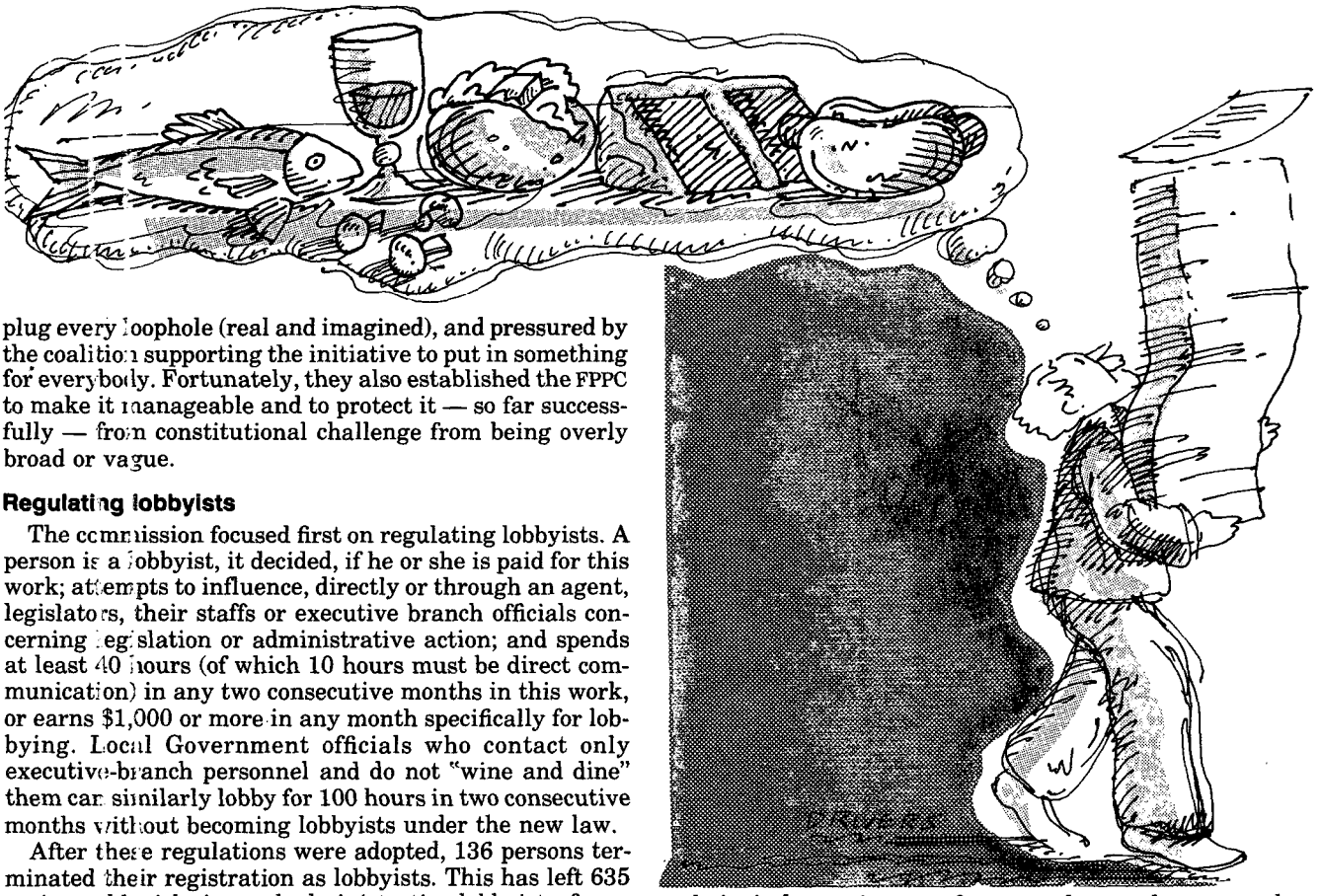
And what, one wonders, would be the Governor's response if he did attend such a meeting. . . .?

The Fair Political Practices Commission (FPPC) has been regulating California lobbying, campaigns and public officials' disclosure for six months. The examples cited do not indicate that the FPPC and its staff lack either intelligence or vigor. What they do illustrate is the schism between the broad terms of Proposition 9 and the pragmatism required in drafting the regulations and operating rules needed to carry out the law's intent. They also show the commission's belief that the statute requires it to deal with all relevant questions, regardless of their apparent significance, or lack of it.

The authors of Proposition 9 were rushed, inclined to

Vigo Nielsen, a San Francisco attorney, is one of California's foremost authorities on political reform law.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



plug every loophole (real and imagined), and pressured by the coalition supporting the initiative to put in something for everybody. Fortunately, they also established the FPPC to make it manageable and to protect it — so far successfully — from constitutional challenge from being overly broad or vague.

Regulating lobbyists

The commission focused first on regulating lobbyists. A person is a lobbyist, it decided, if he or she is paid for this work; attempts to influence, directly or through an agent, legislators, their staffs or executive branch officials concerning legislation or administrative action; and spends at least 40 hours (of which 10 hours must be direct communication) in any two consecutive months in this work, or earns $1,000 or more in any month specifically for lobbying. Local Government officials who contact only executive-branch personnel and do not "wine and dine" them can similarly lobby for 100 hours in two consecutive months without becoming lobbyists under the new law.

After these regulations were adopted, 136 persons terminated their registration as lobbyists. This has left 635 registered legislative and administrative lobbyists, fewer than last year. Some utilities have more than ten lobbyists, many state-wide associations between four and ten, and individual companies, unions, small associations, and public-interest groups from one to three. Lobbyists, on the other hand, usually represent one to three clients and only five lobbyists represent ten or more. But approximately 30 percent of the accepted FPPC "Opinion Requests" still seek clarification of these definitions. And the FPPC held an all-day hearing in San Francisco on May 27th to hear testimony on why the rules on administrative lobbying should be less restrictive than those on legislative lobbying.

Some consequences

Once a person becomes a lobbyist, he or she may not make campaign contributions to the state candidates, office-holders nor their committees, nor arrange for such contributions nor make a gift to a legislator, constitutional officer, or any state official in the Legislature or in an agency that he lobbies in an amount of $10 or more in any one month, nor arrange for any such gift in any size. He must disclose his lobbying income and expenditures and all significant financial transactions with these same state officials or with their families or businesses.

Preoccupation with these lobbyist prohibitions and reports is producing the following consequences:

Some communication is decreasing. Governor Brown said in 1974 that Proposition 9 would decrease the role of lobbyists and allow more direct communication between ordinary citizens and their legislators. In practice, however, some citizens seem to be fearful of becoming "lobbyists" under the new law and their communication, as a consequence, is decreasing. Also, supervision of one's hired lobbyist is decreasing out of concern that on-the-spot evaluation may transform the supervisor into a lobbyist. And a corporate president experiences additional problems by becoming a lobbyist since this might preclude the corporation itself from making political contributions or from sponsoring such activities as plant tours and receptions for legislators since these would now be defined as gifts.

Reporting focuses on the eating habits of 635 persons. Recent FPPC regulations have simplified the reporting of normal operating costs (secretary, phone, rent and travel) in favor of highlighting the remaining expenditures. But since *all* "food and beverage" expenditures must be disclosed, and since state officials are avoiding such generosity, lobbyist reports are cluttered with details of the cost of each meal for a client, another lobbyist, a friend, or even a secretary. If in ten hosted meals only one is with a legislator, it is now likely to be lost among the 20,000 four-page reports to be filed by lobbyists and their employers this year. It is small wonder that news reporters have hardly frequented the secretary of state's record-keeping section since the first reports were filed February 28th.

Reporting of lobbying itself is being overlooked. If a person attempts to promote, support, influence, modify, oppose or delay any legislation or state administrative action, that person is lobbying. Once $250 is spent on such activities in any month — including employees' salaries and expenses (except when less than 10 percent of the employee's time is spent lobbying) and direct expenditures such as buying newspaper ads — a lobbying report must be filed. Through May of this year, there were only ten of these filings. This suggests that either state government really *does* work in a vacuum or else hundreds of

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Proposition 9 and the capital lifestyle . . .

Assemblyman Robert Cline: Proposition 9 has created more office-hour pressure to see people we would otherwise see at lunch or dinner. . . . I now find less time to meet informally with my colleagues which was the main purpose for weekly luncheons hosted by some lobbyists last year. The people of California voted for Proposition 9 on the mistaken assumption that a legislator's vote could be bought for the cost of a lunch.

Donald Kent Brown, lobbyist: By far, the majority of lobbying is now done in the member's ofice. It's even difficult to have a friendly chat in a restaurant without someone thinking you might be picking up a tab. And with all the pressure of new rules, the lobbyist's job has changed dramatically; it's taken all the fun out of it.

Assemblyman Paul B. Carpenter: If everything else is equal, votes are sometimes made on the basis of friendship. As a freshman legislator, I seldom meet lobbyists except at committee hearings. With Proposition 9 there aren't any opportunities to develop friendships with the lobbyists up here.

William J. Keese, lobbyist: Proposition 9 has only changed the rules under which lobbying is done. We complied with the old rules which regulated lobbying and we certainly intend to comply with these rules. We have formed an organization to assist us in understanding and complying and, hopefully, it will also be successful in working with the commission to make these rules understandable.

Californians do not understand the law. (For example, after a month of advertising in major newspapers on farm-labor problems, the Gallo Wine Company was contacted by the FPPC. Gallo promptly disclosed having spent $113,483 on its ads.)

With the Legislature in three special sessions (dealing with public housing, farm labor and medical malpractice), it is obvious that significant sums are being spent on trying to influence votes on this special legislation not to mention such issues before the concurrently run general session as logging, oil depletion, business taxes, or administrative action concerning pollution standards or the preliminary coastal plan. Texaco, for example, did report spending $602 in January when it wrote all its oil and gas lessors on AB 177 "to express your views, whatever they may be, to your Assemblyman or Senator should you desire to do so." But does the Hospital Council of Southern California know it must disclose what it spent on its "open letter" to Governor Brown on malpractice insurance published in the Los Angeles *Times* May 25th?

Public knowledge of this $250 reporting requirement is hampered by the reporting format itself. Form 650 is a dual-purpose form labeled "Lobbyist Employer's Report". It is used by both $250 filers and by employers of lobbyists.

Unregistered and unreported lobbying continues. The FPPC staff is interested in investigating cases where lobbying is taking place illegally by unregistered advocates. But how can such illicit activity be identified? For example, one of the first FPPC Opinion Requests came from George Hardy, president of the Greyhound Dog Racing Association, asking if he were a lobbyist since he was not salaried. Hardy opened a Sacramento office and made expenditures. But when the legislation to permit dog racing died in committee he left Sacramento without having registered or reported this activity — or, for that matter, heard an answer to his Opinion Request. Is it likely that *no one* paid $250 in any of the months preceding the hearing on the bill trying to lobby for its passage?

Regulation of campaigns

Proposition 9 tightens up the comprehensive campaign-disclosure system enacted in 1973, and it imposes spending limits on state-wide campaigns. It also continues prohibitions on making contributions in cash or anonymously of $50 or more (formerly $100) and contributions made in other than one's real name; contributions passing through intermediaries must be reported. With 3,600 committees in 1974 the 12-page reports produce a sizable mountain of paperwork. [See "Charting the flow of campaign contributions," *CJ,* September 1974.] But before the FPPC can try to simplify these requirements, it must clarify the provision to limit expenditures on state-wide ballot measures.

Expenditure limits were not in the original draft of Proposition 9 in June 1973. Although it was drafted hurriedly, the authors were aware that any limitation would pose constitutional problems. (Provisions limiting campaign spending enacted in the states of Oregon, Hawaii and Washington, as well as limits included in the Federal Election Campaign Act of 1971, have all been ruled unconstitutional.) So Proposition 9's authors provided for "independent committees" that can spend up to $10,000 each without limit. And once that sum is reached the FPPC must give permission to spend more and must keep both sides under the maximum total of approximately $1.2 million and insure that neither side outspends the other by more than $500,000.

But it may be that the FPPC is not empowered to grant such permission until 21 to 28 days before an election. When the nuclear initiative qualified on May 5th for next June's ballot, the FPPC held a hearing to determine whether it was practical to limit each committee's spending to no more than $10,000 over the next year and then let them spend the remaining amount in the last month. People's Lobby, a co-sponsor of both Proposition 9 and the nuclear initiative, argued for such a strict interpretation of the statute. (The Lobby has been able to generate considerable publicity at little cost.) Opponents argued that such a limitation would result in a last-minute public-relations blitz that would be unlikely to enlighten the electorate. The position of Common Cause, another co-sponsor of Proposition 9, is not yet known, but Common Cause spent approximately $100,000 to support Proposition 9 in the year before the June 1974 election. No legislation has yet been introduced to amend the 21-to-28-day deadline.

The campaign-disclosure portions of Proposition 9 need some clarification. In the original Common Cause draft, a person or group only became a committee by receiving $500 or more or by expending or contributing $3,000 (later changed to $5,000). In 1971, Congress had enacted a third type of reporting requirement: If someone spent $100 on campaigning that would not show up on any one

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

else's report, then the spender must himself file. The Proposition 9 authors sandwiched a similar provision between the "raise $500" or "contribute $5,000" definition, and set the threshold for this "direct spender" at $500. As a result, any person who makes in-kind contributions of $500 or more, even if they show up on the campaign's report, becomes a political committee subject to all penalties and to the bookkeeping and reporting requirements of a committee, except for registration. The loan of an employee, a store front, a car, or a conference room, or the contribution of postage, lumber, or stationery are in-kind contributions.) And persons who unknowingly become "direct spender" committies will be fined if they are late filing these redundant reports.

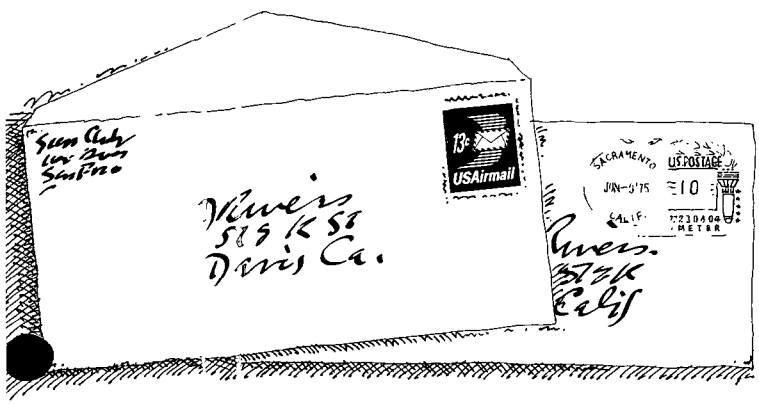
More of the unexpected

Another unexpected consequence exists for associations funded by membership dues. Most associations interpret the law relating to donors as requiring a filing only when $5,000 or more is contributed. But the FPPC's general counsel, Robert Stern, concludes that, if the association has a record of making contributions, its members know this and the association is a "raise - $500" committee and must register within 10 days of making $500 in contributions. Thereafter it must report its income and contributions, allocating the contributions among its members and disclosing anyone whose share is $50 or more in any election.

Corporations and labor unions may contribute to state and local elections, unless limited by local ordinances (except national banks or federal corporations and possibly federal government contractors, which are prohibited from making such contributions). However, "major donors" or "$500 direct spenders" should keep copy machines handy, since on each deadline they will have to file two complete reports in every county represented by candidates to whom they contribute. In 1974 the Legislature enacted SB 509 to reduce these filings to no more than four per deadline, but Proposition 9 removed this limitation. An identical bill, AB 1259 by Jim Keysor, has been introduced with the support of the FPPC. Even so, such filers will still have problems with overlaping filing deadlines since reports are due 40 and 12 days before and 65 days after each election. With three legislative special elections in early 1975 and numerous local elections, an active political contributor might file 10 times in the first six months, with some reports coming due only two days apart.

The inexplicable

Some campaign provisions in Proposition 9 just do not make any sense. If 200 pieces of mail are sent, they must be by postage meter or bulk rate with a copy sent to the FPPC. Recently state Controller Ken Cory testified that a survey indicated that 30 percent more people will open a letter if it bears a stamp rather than a postage-meter mark.



And there is another sleeper of untested significance: Prior to January 1974, California prohibited any commercial use of, or political solicitation from, information obtained through campaign filings. Proposition 9 specifically allows these and requires that the name, address, occupation, and employer of all contributors of $50 or more in any election be disclosed. Congress required disclosure of street addresses in 1971 and then prohibited solicitation or commercial use in 1974. AB 986, by Richard Hayden, would similarly return the prohibition to California law.

Penalties for late campaign filings is one area in which innocence is no defense. Fines accrue at $10 per day, payable to the secretary of state and to each county represented by the candidate supported by the contributor. And Attorney General Evelle Younger has ruled that all principal officers of a political committee are individually liable for these late-filing penalties.

Conflict of interest

The third major reform brought by Proposition 9 requires office-holders and candidates to file "conflict-of-interest" reports before an election, upon taking office and annually thereafter. Armed with the knowledge of the assets and income of public officials, citizens can, presumably, evaluate their impartiality on public decisions, insure disqualification from decisions in which they have a significant financial interest, and prosecute those who fail to disclose the required information. This chapter of Proposition 9 may well emerge as its most significant section.

The FPPC has yet to concentrate on this area but has already heard testimony on a draft opinion dealing with the complicated problem of local government officials who own property in the jurisdiction or who are real-estate brokers. It has accepted some very complicated Opinion Requests and established a conflict compliance department. A similar law was upheld in 1974 by the California Supreme Court in *County of Nevada* v. *MacMillan,* but only after the court acknowledged an amendment to the original law to confine disclosure only to the *generic* source of income (that is, the name of the law firm or supermarket) and not the names of clients or customers who paid $250 or more in a year. But Proposition 9 requires attorneys and brokers to identify their clients *if* the public official's annual share of the fee received is $1,000 or more. For other professions (such as doctors), disclosure is required if the share is $10,000 or more. Two local government officials who are attorneys have refused to disclose this information and litigation is expected. (Another privacy question was raised in an Opinion Request seeking permission not to disclose a home address since the official received threats.)

Commission activity

The FPPC is not unaware of these problems; nor is it ignoring them. The commission's responsibility is broad and runs deep, and yet the commission meets only two to three times a month. It must distribute information, answer questions, audit filings, hold seminars and take testimony. Through May, it had received 115 Opinion Requests. Of these, it has decided four, drafted four more, and plans to issue 16 opinions on lobbying definitions, 24

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Reforming the reforms

Some changes have been suggested that could be made by regulation or law to simplify the required reports and provide more useful public disclosure:

- Require anyone spending $250 in any month on lobbying to identify himself or herself within 10 days.
- Provide one-page lobbying reports with attachments for "hot items".
- Show whether legislation lobbied is supported or opposed.
- Require a single campaign committee for each candidate.
- Simplify "major donor" and "$500 direct spender" reporting.

on lobbyists' contributions, financial transactions and gifts, 12 on campaigning, and 11 on conflicts of interest.

But these months of gestation have not passed without generating some public criticism. Chairman Dan Lowenstein opened the first meeting with a speech interpreted by some to indicate that he considered lobbyists to be crooks. Next, Republican state chairman Paul Haerle blasted Commissioner Jerome Waldie for accepting work as a federal lobbyist. Though, strictly speaking, such activity is not prohibited, Waldie resigned. Then People's Lobby demanded that Commissioner Carol Waters resign because her husband lobbies for the City of Los Angeles. She refused, citing the Equal Rights Amendment and irrelevancy. Commissioner Richard Carpenter also refused to resign because of his past and present contacts with the League of California Cities for whom he lobbied for 35 years. People's Lobby next let loose on the staff. A former campaign consultant, John Keplinger, whose 1974 client is now in litigation for alleged campaign violations, and an attorney, Nancy Salzman, whose husband is editor of *California Journal,* refused the Lobby's demand to resign.

In May, the FPPC adopted its own conflict-of-interest code and a resolution on prohibitive transactions. The code required all commissioners and FPPC professional staff members to file by May 30th all information required by either Proposition 9 or the Moscone Conflict of Interest and Disclosure Act. Prohibited are certain types of outside employment, political activities, the receipt of gifts and the misuse of authority.

Enforcement problems

The major criticism of laws to regulate public officials is the infrequency with which prosecutors sue their own bosses, and the lack of resources for enforcement. [See "Proposition 9's local-government loopholes," *CJ,* September 1974.] Lowenstein believes that just having Proposition 9 on the books serves as a powerful deterrent because of the threat of penalties, "head-hunter" suits and, most importantly, public exposure. By May, the attorney general's office had publicized the filing of only one suit and its intention of filing a second, both initiated by People's Lobby under the Waxman-Dymally Campaign Act. And it is too early to know what the audits of campaigns will uncover. The state Board of Equalization is auditing more than 1,200 major 1974 campaign committees, and after spending five months and more than a half-million dollars 47 auditors have completed 37 audits, have 40 near completion, commenced 600 and have yet to begin 550.

In the remaining half of the year, it can be expected that the commission's gestation period will be complete. Its rules and regulations will be finished, any legal challenges will be under way, enforcement officials may be prosecuting and, in short, the FPPC will have set its direction.

It remains to be seen whether the commission will want its January 7, 1976, agenda to undergo the scrutiny of an unannounced visit by Governor Brown.

DIAL, continued from page 230

average — the net subsidy per ride would be only 75 cents.

After performing some of this arithmetic, several California communities have initiated taxi dial-a-rides. La Mesa, El Cajon, Los Gatos, and Sunnyvale have arranged with taxis for group-ride service for the elderly. The subsidy in El Cajon was about 90 cents a passenger; in Los Gatos, $1.25; in Sunnyvale, $1.70. While these subsidies are certainly not small, they are targeted to a specific needy group and are less than the general subsidies of the public dial-a-bus in Santa Clara County and Richmond in the East Bay — about $2.67 and $3.25 per passenger, respectively.

Not all of these cities employ a voucher system. Some contract with cabs for service on an hourly or mileage basis. In each case, however, the subsidies are relatively low. A taxi-voucher program has several advantages, aside from a targeted and relatively low subsidy:

- Vouchers can be issued at varying discounts to different user groups, providing decision-makers with considerable flexibility.
- Taxi operators receive no subsidy unless they serve the target group, so that service is tailored to meet demand.
- The possibility of fraud can be reduced by numbering tickets, recording tickets issued to users and carrying out spot-check monitoring of where and when tickets are used.

A combination of allowing group rides and free entry into the taxi market promises an extremely cost-effective dial-a-ride service for the elderly and the handicapped. San Francisco, Los Angeles and other American cities now restrict the number of cabs that can operate within them, on the assumption that unrestricted entry leads to inadequately insured operations, more congestion and taxi-cab "wars". Yet, a recent analysis by the Urban Insitute disproves that assumption; moreover, under free-entry conditions, the supply of cabs could increase to meet demand and fares could fall by 15 to 20 percent as a consequence. If these lower rates applied, vouchers for the elderly, handicapped or poor would involve even less subsidy than required by present taxi-voucher programs.

In short, the idea of dial-a-ride remains attractive to certain communities, but a cooperative public-private operation may yield the greatest benefits —at least in moving people who need transportation — at the lowest cost.

CORRECTION

The Federation of American Scientists advises that it has not, as an organization, taken a position on the Nuclear Power Plants Initiative. The federation was listed among the proponents in "Nuclear Power: California's next big initiative battle" in last month's *Journal.*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

THE BROTHERS BURTON

Phil and John — same breed, different personalities

By DARYL LEMBKE

Representative Phillip Burton often seems to the folks back home in San Francisco to be a man of unpredictable moods running the gamut from the arrogant to the bombastic. Not too many are complaining, because Burton has a record of getting things done for his constituents, whether establishing national parks or prodding the federal bureaucracy into action. Along the way, however, he is sometimes just plain mean, as a new crop of Democratic leaders in Chinatown will testify. They recently got bawled out by Burton for being, of all things, too liberal. Now that he has climbed to the post of Democratic caucus chairman in the House of Representatives, few of Burton's old political sparring partners in San Francisco choose to speak ill of him. After all, he is a powerful man — one not to be unnecessarily antagonized. [See "Commander Phil and the children's crusade," *CJ*, February 1975.]

As for his younger brother, freshman Congressman John Burton, acquaintances usually talk of his wit, his long opposition to the Vietnam War or his photographic memory. They don't, however, speak much of his personality, which is so low-key as to pass unnoticed at times.

The Burtons, Phil, 49, and John, 42, constitute the first brother team to serve in Congress since Edward M. Kennedy and Robert F. Kennedy were in the Senate together. They make an interesting combination. Considering how successful they are in politics, however, it is surprising how little they are known among their hometown citizenry — possibly because neither served in local office. (More people would probably recognize Shirley Temple Black in a crowd at Union Square, and she lost *her* race for Congress.) Who in San Francisco, for example, could recite such hero-worship items as the fact that Phillip worked as a janitor while attending Golden Gate Law School, where one of his teachers was the present secretary of Health, Education and Welfare, Caspar Weinberger? Or that John starred on the Vienna Vikings basketball team while serving in the Army in Austria?

The 'machine'

About all most San Franciscans know about the Burtons is that there is supposed to be a Burton political "machine", which routes campaign funds, assigns campaign volunteers, issues endorsements and sometimes fails miserably. The machine will get another test this fall, when a close ally of the Burtons, state Senator George Moscone, runs for mayor of San Francisco in a crowded field.

Few are aware that Phillip, a consistent plugger for the poor and the downtrodden, was a fraternity man at USC, played second base in sandlot ball. ("Lousy field, lousy hit," is the appraisal given by the third Burton brother, Robert.) Few are aware, too, that his wife, Sala, who is Jewish and fled Europe with her parents to escape the Nazi pogroms, is a primary political asset. "Sala is an integral part of Phil's political life," said San Francisco County Democratic Chairman Agar Jaicks, a Burton intimate. "She's just as interested in politics as he, so she's not left at home." Burton recently told the New York *Times*: "I keep Sala busy repairing all the fences I've busted."

Fences in Chinatown

One fence that still hasn't been entirely mended is the one Burton has always maintained around Chinatown. Few may note, nor long remember, the Congressman's visit home last February, but it is not likely to escape the reminiscences at Chinese-American Democratic Club reunions. The club refused last year to endorse attorney George Chinn, a prominent member of the basically conservative Chinatown old guard, which has been his link to the Chinese community. Chinn was running for the Board of Supervisors, after being appointed to that body. He lost, even with Burton's endorsement, and the defeat rankled with the Congressman, who had lost touch with the younger, more liberal Chinese that have assumed leadership in the club. At the club's annual banquet February 22nd, Burton ignored his announced topic and, instead, unleashed a diatribe against the assembled members, castigating them for not endorsing Chinn and for holding back an endorsement of March Fong Eu last year. (Eu was elected California secretary of state, but the Chinese-American Democratic Club endorsed Herman Sillas in the primary, contending that this Mexican-American from Los Angeles had done more for the civil rights of Asians than had his Democratic rival from across the bay.) The Young Turk Chinese booed and hissed their Congressman and groused later that Burton should have realized that they hadn't supported Chinn because he had been elected to the Board of Education on an anti-busing platform. "Chinn went against our principles, and probably against what Phil stood for as well," said club member Harold Yee. The club later discussed the attack at a meeting, but one officer explained: "Burton has been 100 percent right in his votes in Congress, and we can't afford to have an open break with him."

Case of the louvers

The sting of Burton's style did, however, win him some admiration among the occupants of the press room on the 20th floor of the Federal Building in the San Francisco

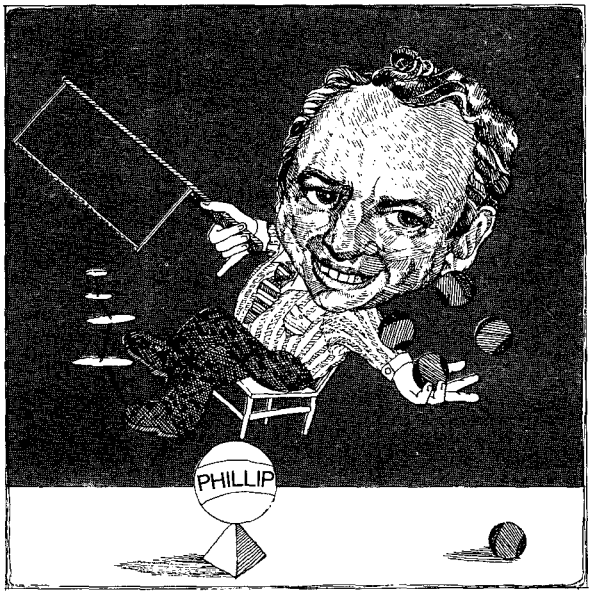
The author is the chief of the San Francisco bureau of the Los Angeles Times.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Civic Center. For five years, the reporters had tried unsuccessfully to get the metal louvers removed from their windows so they could enjoy the spectacular view of the city and the bay. After the General Services Administration insisted that removal would spoil the "symmetry" of the building, the reporters turned to Burton, who wrote the GSA administrator:

> You state that this is "a more complex problem than appears on the surface." However, I would like to point out that removal of the louvers requires: 1 — a hacksaw; 2 — somebody to use it; 3 — your permission. As to the aesthetic considerations, the design of the building was greeted by overwhelming dismay by both the press and learned journals. I don't think taking bars off some windows is going to make it any worse. . . . I know you will do everything you can to get your department to solve this complex problem. To facilitate this, I am enclosing a hacksaw.

Not long after that note was received, GSA had the louvers removed. In appreciation today, the press room wall is adorned by a hacksaw mounted on a plaque, with the inscription: *This unobstructed view reflects the endeavor of the Hon. Phillip Burton, Dem., 5th District, 'the fastest saw in the West'.*



Both John and Phillip can be abrasive, but the elder brother's style is more in the tradition of the smoke-filled room. John's is more a product of flirting with the New Left, while staying on speaking terms with those of the traditional Democratic apparatus. Phil has never been easy for voters to like. His earliest elective efforts were inauspicious, both in school and later in a race for the state Assembly. Back in 1944, he ran unsuccessfully for student body president at Washington High School, though he was elected president of the senior class for one semester. He is pictured in the 1944 yearbook as a slender young man with a big smile. His goal, said the caption, was to be an aviation cadet. "He had extreme desire for achievement," recalled Burton's former basketball coach, William "Tiny" Bussenius. "He didn't like being on the bench and used to sit by me in hopes I'd tap him when I needed a sub." He was Washington's No. 1 sub.

Liberal father

Phil Burton was born in Cincinnati. The Burtons' mother is Irish and their father was German. The father, the late Dr. Thomas Phillip Burton, decided to go to medical school at age 36, after having worked at various odd jobs during the Depression. The family moved to San Francisco in 1940, residing first in the lower-middle-class Sunset district and then moving up in class in 1942 to luxurious St. Francis Wood, where Mildred O'Casey Burton still resides. "Our father was a very liberal guy," said the third Burton brother, Robert, 46, a teacher at San Quentin Prison for 18 years. "Our liberalism didn't grow off a tree. Dad wasn't a mossback doctor. He was very progressive on helping poor people, and an absolute freak on FDR, which affected our upbringing."

Standing 6 feet 2 inches but skinny as a rail, Phil went into the Navy from high school and was sent to a V-12 program at USC. State Treasurer Jess Unruh, who was a big politician on campus at the time, remembers Burton best as chairman of "Hello and Smile Week." Unruh and Burton were often on opposite sides of legislation when both were in the Assembly, but they have long since buried the hatchet. "Some people consider Phil brash," conceded Unruh. "He doesn't have time for many amenities, but I consider him good social company. I love spending an evening with him. He knows something about everything. I got on a bus in Syracuse while campaigning for Bobby Kennedy, and the congressman from there, Jonathan Bingham, said to me, 'Do you know Burton? That guy knows more about my district than I do.' "

From USC, Phil attended Golden Gate College Law School, working at the same time as a janitor and becoming active in the Young Democrats organization. He ran for the state Assembly in 1954. His Democratic opponent in the primary died before election day, but the old-pol Irish Democrats of the Mission District couldn't stand Burton's liberalism. They boasted, "We'll beat him with the guy in Holy Cross [Cemetery]," and they did. The dead man won by better than 2 to 1. Burton ran again two years later against a Republican in an adjoining district and won by 659 votes.

'Night person'

San Francisco attorney John O'Connell, who served in the Assembly at the same time as Burton and once was close to him, considers him sincere in his long-standing efforts to aid the poor, the elderly, the disabled and the ethnic minorities. O'Connell, who had a falling out with Burton over political endorsements some years ago, explained: "I spent a lot of time with him socially, and I think he's sincerely for the downtrodden. He couldn't be that much of a dissembler. But he was not well liked in Sacramento. He has a very abrasive personality, especially when drinking. He drinks only at night (mostly martinis on the rocks) and he's a night person. He used to have a tough time getting to the Assembly roll call in the morning. He was often late, but he'd make it. After midnight, though, he comes alive, wheeling and dealing."

According to some who were there, Burton had had a few when Mayor-elect Joseph L. Alioto tried to entertain him in 1967. Burton had backed a loser for mayor, Jack Morrison, but Alioto tried to heal the wounds on a trip to Washington by inviting Burton to a private dinner at the Madison Hotel. Instead of healing wounds, the two got into a hot argument over Alioto's plans to replace the city's lobbyist in Washington. They also argued over Alioto's prospective appointments to the Board of Supervisors. A bystander said that, at one point, Burton "physically took hold of the Mayor's shoulder while berating him." Asked about the incident in a recent interview, Alioto said Burton was "boisterous and rowdy" at the dinner, and added this recollection: "I made clear to him

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

that he was not to arrogate to himself jurisdiction of the mayor's office in any way at all. Our relationship since that time has been very correct."

Phil Burton's monument in the California Legislature was passage of a measure that greatly increased the cost of the Aid to Needy Children program. He convinced the counties that the added cost would come from the state and federal governments, so they did not oppose it. Eventually, most counties were stuck with much greater expense than Burton's estimates. "Burton's maneuvering of that bill became very complex," said William MacDougall, then manager of the County Supervisors Association. "There were only about three people who knew what that bill was all about — Phil, myself and the state welfare director. Burton showed his maneuvering talent for the first time. It's what got him where he is today. He was not that popular in the Legislature and hasn't been in Congress, but it's a case of him staying up later than the other guy, doing his homework, and having this natural talent for maneuvering."

Another big admirer of Burton's talent is Dr. Edgar Wayburn, former president of the Sierra Club. Wayburn gives Phillip most of the credit for shepherding bills through Congress to create both the Redwood National Park (Burton is now trying to expand it) and the Golden Gate National Recreation Area.

Brother John

County Democratic chairman Jaicks, who is considered to be part of the "Burton Machine", considers John Burton to be less intense and more issue-oriented than Phillip. "John is not pragmatic in any area," said Jaicks. "Phil is intensely loyal. If a conservative politician backs him, you'll find him on that candidate's letterhead, endorsing him for re-election. John wouldn't do that."

Painfully aware of Phil Burton's pragmatism is the Reverend Eugene Boyle, a Roman Catholic priest who ran for assemblyman last year. Though Boyle was closer to Burton's political philosophy than incumbent John Foran, Burton endorsed Foran, who won in the primary by 1,600 votes. Boyle theorizes that the endorsement of Foran was motivated by Burton's intention to get on the good side of Assembly Speaker Leo McCarthy, who is a law partner of Foran. Boyle nonetheless respects Burton as a "competent legislator".

Creaky 'machine'

If there is a "Burton Machine", it reached a low point in 1967, when John, who had succeeded his brother in the state Assembly, was easily beaten by Republican Milton Marks in a contest for a vacant state Senate seat. But the juggernaut has become energized again in the last year with John's election to the House, Phil's elevation to caucus chairman and the election of Robert as president of the San Francisco Community College Board of Trustees.

Robert said he gets irked at articles describing Phillip as callous. "He's one of the most compassionate sons of bitches you'd ever meet," claimed Robert. "When he had a law practice, he had an incompetent secretary, but he couldn't fire her. He's a tender-hearted slob who gets emotional about people." Robert said that the three brothers hang together, treating "a hurt against one as a hurt against all."

A close acquaintance of the two congressmen had this appraisal: "John is a very nervous person, with tremendous drive to get something accomplished. He's completely disorganized, but eventually gets the paperwork done to do something. Both Burtons suffer from not delegating authority. And there's kind of an internecine jealousy between the two staffs. Phil has never been able to hire a strong staff. He gets docile people, with the exception of Joe Beeman, who was briefly an appointee to the San Francisco Board of Supervisors. Most of Phil's staff members are 'yes' people, but Joe will stand up to him. Phil doesn't usually tolerate that in others. "John's sense of humor separates him from Phil. He has the ability to see the absurd, but is often misunderstood."

Memory whiz

One of John's long-time boosters is Dan Farmer, his former basketball coach at San Francisco State where John played guard on the varsity from 1951 to 1954, captained the Far West Conference championship team of 1953-54, and made all-conference. "He was the kind of kid you'd almost like to have your son be," Farmer recalled. "We became close. John just lived for basketball. That was his main interest in life. . . . John had a terrific memory. He could remember every score of every game we ever played, the team's shooting percentage, who made the points and who fouled. He told me that he didn't own many textbooks. He said he'd just borrow them, skim and remember the information."

Though John Burton eventually became chairman of the important Assembly Rules Committee and was also elected state Democratic chairman, there are some in Sacramento who were almost more impressed with another achievement. "John Burton is probably one of the world's greatest basketball trivia buffs," said Jerry Gillam, who covers the Legislature for the Los Angeles *Times*. He said John used to stroll over to him on the Assembly floor and rasp, "Who was the last Fordham guy to play with the Syracuse Nats?" "I'd know that was Ed Conlin," recalled Gillam, himself no trivia slouch, "But Burton would then do me in by naming the starting lineup when George Mikan played with the Minneapolis Lakers. . . . He's the champ in basketball trivia."

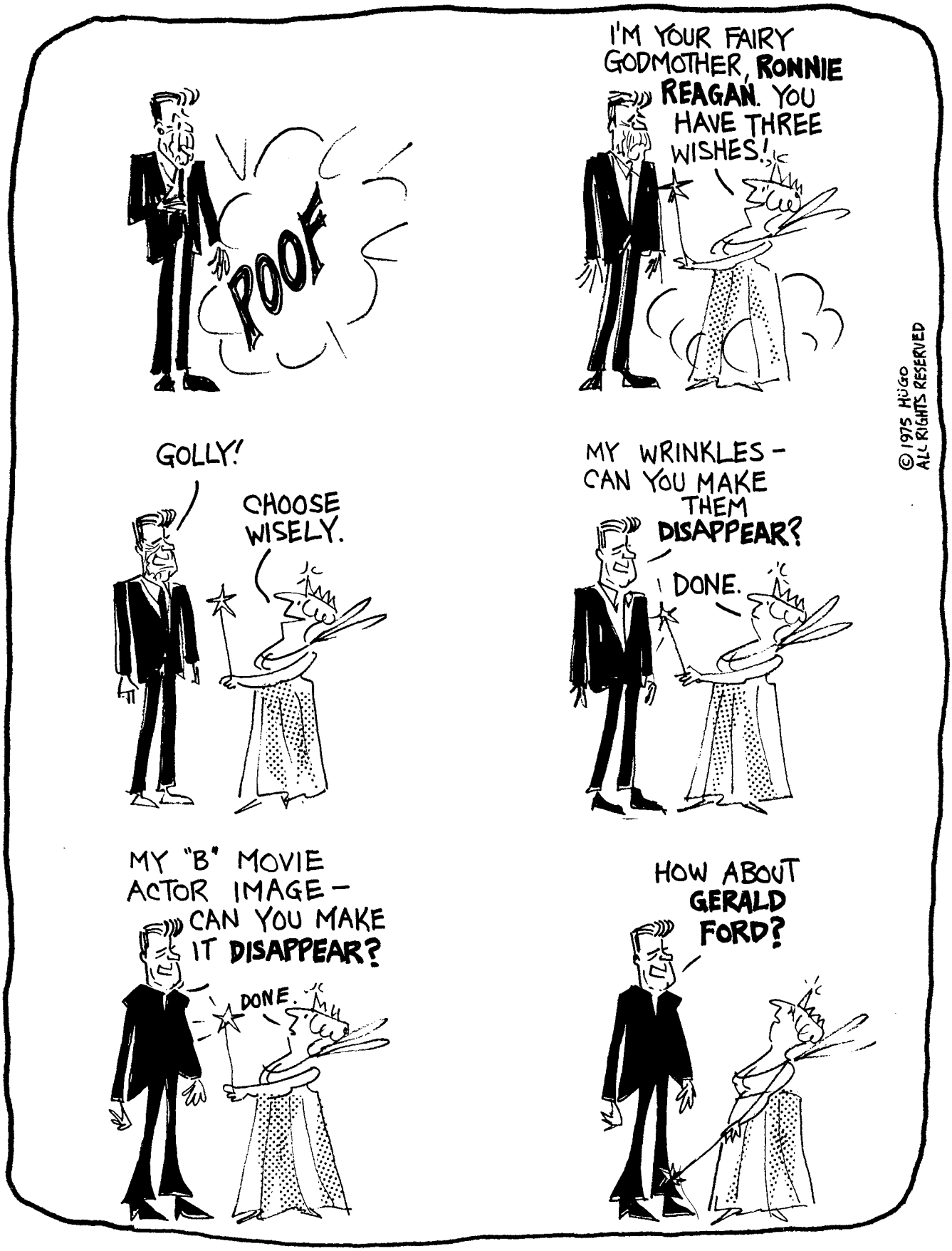
The anecdote illustrates another difference between Congress' brothers. Explained one former campaign aide: "John admires Phil, but he doesn't see the necessity of devoting *all* of his waking moments to getting votes. John has also worked his guts out for the blind, elderly and disabled, but he didn't get the credit he should have.

"And Phil? He has all the grace of a bull, but he gets things done."

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Caucus

by HUGO


POOF
I'M YOUR FAIRY GODMOTHER, RONNIE REAGAN. YOU HAVE THREE WISHES!
GOLLY!
CHOOSE WISELY.
MY WRINKLES - CAN YOU MAKE THEM DISAPPEAR?
DONE.
MY "B" MOVIE ACTOR IMAGE - CAN YOU MAKE IT DISAPPEAR?
DONE.
HOW ABOUT GERALD FORD?
© 1975 HUGO ALL RIGHTS RESERVED

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The new look in the Capitol press corps

Where did all the cameras go?

By Bruce Keppel

After Governor Edmund G. Brown Jr. gave a day's notice that he would sign a farm-labor bill last month, some 18 television crews were counted in attendance at the ceremony. Some present thought it was a record number of cameras. But during the weeks that the compromise legislation was hammered out between the growers and rival worker groups, television crews in the Capitol corridors were conspicuous by their absence.

The fact is that after a flirtation with Sacramento most broadcasters have apparently concluded that news from the state capital is either insignificant or dull, if not both, and certainly expensive. Since fundamental problems concerning the citizens of this state emanate from the Capitol, it is more likely that the importance of the news is not a principal concern but, rather, the fact that legislative news, as one TV assignment editor commented, "just doesn't film." What *did* film were the early years of the Reagan administration, when the former Governor brought with him an entertainment background and a pocketful of quips that made his "talking head" more camera-ready than his predecessor's. In any case, Ronald Reagan's presence in the Capitol coincided with what might now, in hindsight, be viewed as the "golden age" of television journalism from the state capital.

Other changes

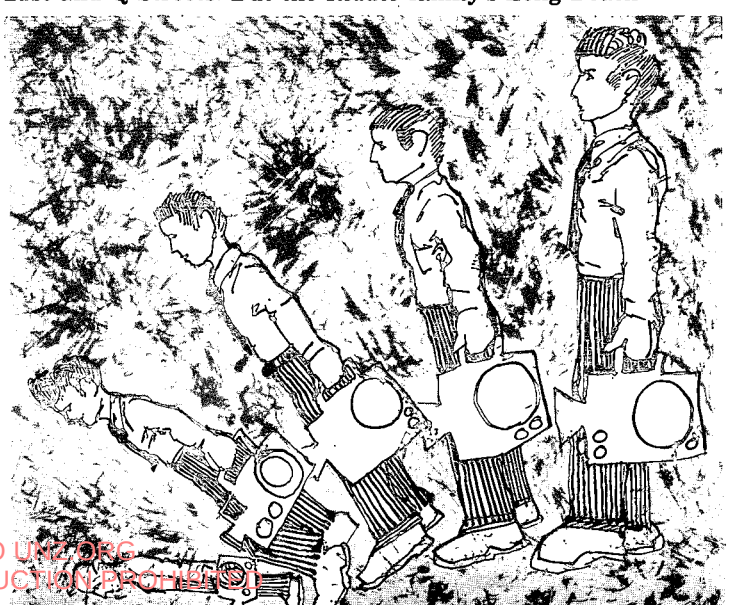
The end of that tentative golden age — only two television stations, KNXT and KNBC in Los Angeles, have full-time camera crews covering the Capitol — is only the most notable of changes that have occurred in the Capitol press corps over the last few years. Others have involved relocation of Capitol bureaus; improved transmission facilities for the wire services; a considerable turnover, reduction in age and increase in education of the correspondents themselves; and a weakening to the point of insignificance of the Capitol Correspondents Association.

Eviction from the Capitol. The correspondents regularly covering state government — 82 people were accredited in June — no longer operate out of rent-free quarters in the Capitol. When the old building was condemned as unsafe under conditions of severe earthquake, the newspapers, press services and broadcasters maintaining staff in the capital rented quarters nearby (almost all at 10th and L Streets, diagonally across from the Capitol).

The move has been beneficial in the sense that the journalists need no longer blush at their dependence on the lawmakers for their office space. On the other hand, their removal from the premises has also reduced the correspondents' possibilities for serendipitous contact with news sources, though most of the reporters still spend a good deal of time making their rounds in the Capitol.

The increased distance has also served to underline a social phenomenon of some importance — the divorce of the press from the lawmakers in a social sense. With the rent-free quarters came access to the adjacent Assembly lounge and the free coffee and pastry and easy shoulder-rubbing that went with it. That was the last vestige of the clubby atmosphere that permeated Sacramento in the days when the Legislature met so briefly that lawmakers and journalists alike lived in the same hotels and frequented the same bars and restaurants. But in recent years both legislators and reporters have moved their families to Sacramento, where the session is now virtually continuous. Now they have homes to go to after hours. Sacramento-by-night is not what it was in the days when Artie Samish held sway in the Senator Hotel. [See, in this regard, "Half of the legislators now make Sacramento home," *CJ,* April 1973.] The new offices in the Ellis Building (so called after the restaurant in the basement) are equipped with a sound system that pipes in floor debate and most committee hearings so that reporters can keep an ear tuned to what's going on while they work on other stories. Still, the five minutes it takes to hustle across to the Legislature can be enough to miss the awaited action or lawmaker — a particular hardship for the several broadcast journalists still on the job.

In recent months, the recession has taken a toll among newspaper bureaus. Associated Press and United Press International, which between them service practically all the state's daily newspapers and broadcasters, still have half-a-dozen reporters each, and McClatchy Newspapers (Sacramento, Modesto and Fresno *Bees*) have seven reporters holed up across town from the mother ship at 21st and Q Streets. But the Ridder family's Long Beach



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Independent and *Press-Telegram* (a.m. and p.m. editions under one ownership) are now sharing their correspondent with the owner-related San Jose *Mercury* and *News* (also a.m. and p.m. editions). Both formerly had their own reporter full time; while the San Jose papers seem intent on cost-cutting, a Long Beach editor cited a reduction in the legislative news of specific interest to his city that had inspired opening the bureau in the first place (tidelands oil revenue and subsidence problems due to drilling, principally).

The San Diego *Union* and *Evening Tribune* — both feeling a revenue squeeze rendered the more acute by the recent death of owner James Copley and subsequent estate-tax problems — are tightening their belts. Both papers shuttled reporters between San Diego and Sacramento for two-week periods. While the *Trib* is maintaining this arrangement for now, the *Union* is staffing Sacramento only on occasion and attempting to fill in the rest of the time by telephone.

Another casualty has been the Lesher Newspapers in San Joaquin and Contra Costa counties. Stoked by a strong interest in the California Water Project, Lesher maintained a bureau for a number of years. Though the issue of constructing a canal to bypass the San Joaquin-Sacramento Delta in delivering northern water south remains alive, Lesher chose to close its bureau for reasons of economy.

Improved transmission equipment. Both wire services now are equipped with cathode-ray-tube transmission equipment, which has replaced the former typewriters and teletype transmitters. The Associated Press made the conversion several years ago, but United Press International has just caught up technologically with installation of similar equipment last spring. (The CRT setup allows reporters to compose their stories on an electronic display screen, have it edited electronically and dispatched to a computer, from which the stories are routed onto the wire to client papers and broadcasters with a minimum of delay.)

Change in personnel. About half the correspondents spending full time on Capitol coverage have been on that assignment for as long as five years. This is significant in that most of them would agree that it takes more than one or two years in Sacramento to acquire a working knowledge of California politics and government that will enable a reporter to go beyond the routine. Commented AP's bureau chief, Doug Willis: "There's no history here except what you carry around in your head or files." On the other hand, the relative newcomer does not suffer from the old-boyism that used to be common in the press corps, an over-cozy relationship with news sources stemming from the former off-the-job socializing. (It was a newcomer, Evans Witt of AP, who broke a story detailing how former Assembly Speaker Bob Moretti and others leaving office last year stood to receive sizeable pensions through a quirk in the law that was subsequently repaired.) Of these relatively young reporters, the average educational level is probably slightly beyond four years of college — though several have no degree — and all have some prior news experience.

Weakened press association. When the correspondents were lodged free in the Capitol, the Joint Rules Committee of the Legislature turned responsibilty for assigning available space over to the Capitol Correspondents Association. (Until this year, the association was headed by Earl "Squire" Behrens, retired political editor of the San Francisco *Chronicle*, whose longevity approached the legendary. Behrens is president-emeritus.) The association also handles accreditation of correspondents, delegated by the Legislature, to permit access to the Assembly and Senate floors. But without the practical clout of regulating office space and with a broadening of the definition of publications eligible for a permanent press credential this function is much more an exercise of formality than previously. Still, said President Jerry Gillam, a reporter for the Los Angeles *Times,* the association serves as a point of contact for transient journalists and as a potential spokesman for all correspondents in dealing with state government.

A new game

The Brown administration presents a new challenge to the correspondents. For broadcast journalists in particular, covering Jerry Brown is more difficult than was covering Ronald Reagan, because the present administration is relatively unstructured. Reagan used to meet regularly with the press, and his press office distributed weekly schedules of public events and was alert to the public-relations value of "media events" — dramatizing what might otherwise suffice as a news release in order to provide film that helps find a place on the evening news.

The first six months of Brown's regime have been, in contrast, free-form in nature. "He likes to be unfettered," said his press secretary, Bill Stall (former AP bureau chief and political writer in Sacramento). There are no regularly scheduled meetings with the press; Brown has done no TV interviews such as Reagan routinely had programmed into his workweek. "He feels that he's been very accessible," said Stall, "in terms of the reporters' ability to cover him in action as a governor working on specific problems." Brown is aware of the peculiar problems of broadcast journalists (because of the time needed to set up equipment), Stall added, and a special effort is made to alert them to broadcast possibilities.

Judging news

That is hardly necessary today, however, since television has withdrawn from the Capitol and radio coverage is reduced to its lowest point in at least 25 years. (Even the Sacramento *Bee* station, KFBK, has given up its long-time coverage.) Some of the stations not having correspondents and camera crews in Sacramento are making do with free-lance footage provided on order by an enterprising cameraman. This allows the stations to illustrate a news-reader's report from a wire service while giving an *impression* of being on-the-spot.

But when a record number of camera crews shows up for a ceremonial signing of a bill after having ignored the debates and negotiations that resulted in the pen-wielding, that reflects a judgment based on production values maybe, on show-biz certainly — but on news value not at all.

Covering the press corps

Previous Journal coverage of the press is contained in the following articles:

"Stalking the Capitol press corps in its natural habitat," April 1972.

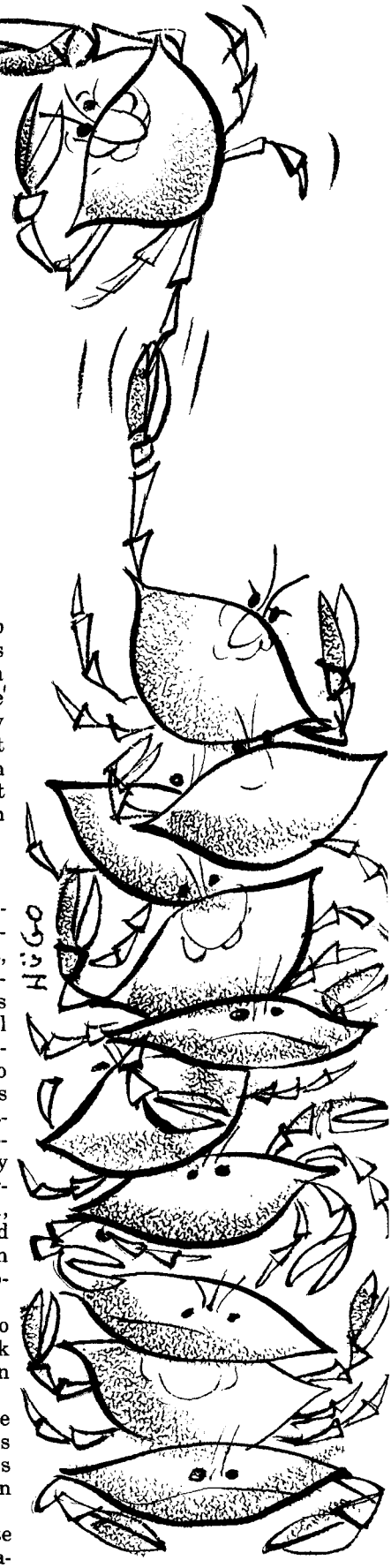
"Press responds s-l-o-w-l-y to government's growth," June-July 1972.

"Political profile of Capitol press corps," February 1974.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Why Chicanos Don't Vote

By RAY GONZALES



The crab vendor

A tourist walking down a seaside street one day happened upon a man selling live crabs from a tub on the sidewalk. As the two men conversed about the weather, sight-seeing attractions and anything else a crab vendor and a tourist might wish to discuss, the tourist noticed that the crabs were all moving slowly toward the side of the tub and forming a pyramid by stacking themselves one upon the other.

The vendor, who had been paying no attention to the activity of the crabs, dismissed the tourist's expression of concern that the crabs might escape. As the crabs' pyramid reached closer and closer to the top of the tub, the tourist became increasingly amazed at the vendor's nonchalance. Finally, unable to restrain himself any longer, the tourist blurted, "Those crabs are going to get out in a minute!"

"Oh, don't worry," the vendor replied, carelessly. "Those are Chicano crabs. When one finally gets ready to make it over the top, the others will pull out from under it."

The story of the crab vendor is one that Chicanos tell on themselves and, in spite of its humor, it is also taken by Chicano activists as an all-too-accurate description of their own political behavior. A recent example occurred when two Chicano legislators criticized Governor Edmund G. Brown Jr. for his appointment of Mario Obledo as secretary of the Health and Welfare Agency. Their action drew a cry of dismay from the Chicano community. And the story of the crab vendor once again made its rounds.

Enough has been said and written about the occasional fratricide that occurs and may continue to occur among minority communities. And there may never be an end to the internal struggles that erupt within minority communities. Assemblyman Richard Alatorre was denied success in 1970 in his first political effort by the presence in the race of a Raza Unida candidate that denied victory to a Democrat and gave success to an Anglo Republican in an otherwise Democratic district. Last November, when I was up for reelection as an assemblyman, Raza Unida accused me of being unsympathetic to Chicano causes while the Anglo press in the district attacked me for being "part and parcel of the political coalition of venal White politicians, power-hungry White labor leaders, education professionals, Negroes, self-styled Chicanos, welfare-rights professionals and other minorities whose ideology is out of step with the White majority."

The author, a former assemblyman, is director of the Office of Educational Liaison in the state Health and Welfare Agency. He contributed "The price of a lawmaker's ear" to the February issue.

There is little likelihood that the Chicano community will ever be unanimous in its political behavior. It does not occur within the Democratic or Republican parties in the Black community, in the Jewish community nor even in the John Birch Society. But perhaps the Chicano community will begin to develop the political sophistication that it will need to ensure adequate representation for its four million people in California.

Chicano trap

Just two days after last November's election, the Los Angeles *Times* published an article by G. Gutierrez and Cesar Sereseres, entitled, "Nada por Nada, Nothing for Nothing, the Chicano Political Trap." The thesis of their essay was that most successful statewide candidates are under no real obligation to make any concessions to Chicanos in California because Chicanos possess "a self-defeating tradition of not voting." Neither Brown nor his Republican opponent, Houston Flournoy, was under any obligation to court the favor of Chicanos during the last gubernatorial campaign, Gutierrez and Sereseres wrote. They could point to three areas of political support in which the Chicano community did not produce:

Financial support. Because the Chicano community and its organizations lack real economic power, a candidate can expect little financial support.

Endorsements. Traditionally visible spokesmen for Mexican-Americans have been minor power-brokers primarily interested in landing a job in the administration.

Voting. Although Chicanos constitute 18 to 20 percent of California's popula-

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

tion, in most general elections they can be expected to produce only about five percent of the vote.

"California candidates have been fully aware that Chicanos over the years have been incapable — or unwilling — to employ their vote with the same degree of sophistication as, say, Blacks," Gutierrez and Sereseres concluded. The writers expressed openly what many political observers have known for some time: Chicano spokesmen tend to place all of the blame for electoral failure on the White establishment. Though it is true that reapportionment plans over the years have avoided developing Chicano legislative districts by splitting up *barrios* such as in East Los Angeles, it is also true that Chicano voter apathy has resulted in the election of non-Chicano legislators and local officials in areas with significant Chicano registration.

Behind the apathy

What causes the apparent apathy that results in a five percent voter turnout?

Historically, Chicanos are recent arrivals to California, though a few of them trace their heritage back to the area's long and rich hispanic heritage; most are 20th-Century arrivals from Mexico. In 1909, the year before the Mexican Revolution, there were some 4,000 Mexican immigrants in the United States. By 1916, in the peak years of fighting during the revolution, there were as many as 90,000 legal immigrants crossing the border from Mexico. During the years of the *bracero*, when field labor was short in the United States, as many as 200,000 *braceros* a year crossed the border, plus about an equal number of illegal entrants. Many of these Mexicans married and remained in the U.S. Additionally, a good percentage — perhaps 20 percent of California's Chicano population — has migrated from Texas during the last few decades.

How does this affect voting patterns? First, there is little true political tradition in Mexico. The country is run under a one-party system. Moreover, the secret ballot there is a farce and has been for most of this century. This background has led Mexican immigrants both to maintain close relationships with relatives in Mexico and to look with skepticism upon the political process in this country. Add to this the language barrier maintained for many years in the voting process and the fact that Chicanos have also comprised the largest migratory labor force in the state, and it is little wonder that the Chicano voter appears to be peculiarly apathetic.

In terms of supplying financial support to candidates, the Chicano community's inability to deliver funds is a product of both tradition and poverty. In 1968, there were fewer than a hundred Chicano students among UCLA's 25,000 students, in a city of more than a million Chicanos; it is not difficult to imagine a paucity of professionals among Chicanos. In the business community, the situation has been no better, though there is a beginning. For many years Chicanos were found in agricultural work, railroading and domestic services — not areas likely to generate potent political contributions for the Chicano community.

Finally, there have been no political "heavies" in Chicano communities to whom the candidates could look for endorsements. The fratricide, suspicion and betrayal that produced the crab-vendor story have not escaped the attention of Chicano and Anglo politicians, not to mention party leaders. At best, one hoped to avoid conflict among divergent Chicano groups, but rarely did a candidate seek the support of whatever passed for Chicano leadership.

There are stirrings, however. In 1970, there was one Chicano legislator in California. Now, there are two senators and four assemblymen. And there is a growing number of local Chicano elected officials.

Perhaps the most dramatic change for Chicanos occurred with the inauguration of Governor Brown. In the past, there was never any real doubt that qualified Chicanos were available to serve in government; there was, however, also great difficulty in winning for them the support of the major political parties. Now, however, the new Governor has made appointments to state government that can be expected to have a lasting effect on the State of California. Health and Welfare Secretary Obledo heads the largest state agency in the nation. Herman Sillas is director of the Department of Motor Vehicles. Julian Camacho has been named deputy director of the Department of General Services.

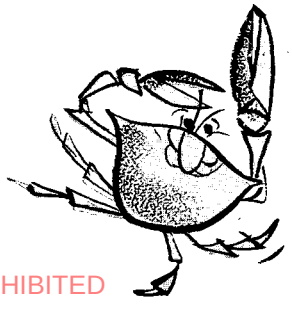
And Brown is not alone: Lieutenant Governor Mervyn Dymally named Joe Serna as chief education advisor, and Assembly Speaker Leo McCarthy selected Ralph Ochoa to head his Los Angeles office.

Yet, despite this increase in elected and appointed officials, a feeling of frustration and skepticism persists among Chicanos. For one thing, no Chicano has ever held state-wide office. To do so, however, will require wide support outside the Chicano community. The successful candidate will make it on his or her own merits, not on the basis (or in spite of) a surname or skin color or Chicano affiliations. California voters have already demonstrated the fact that they will accept minority leadership in the persons of Dymally and Superintendent of Public Instruction Wilson Riles and Secretary of State March Fong Eu. It may be that Blacks have had it easier because of the guilt complex prevalent among many White liberals, but that advantage was siezed because of the political sophistication that exists in the Black community. Fong was elected on the basis of her popular appeal, not her ethnic background.

Everyone's Problems

The failure of a Chicano to have fared as well lies also in the fact that the dominant culture has never really fully understood the Latin culture, and that Latins have never really grasped how the political process works in California. A Chicano candidate *can* succeed, but the successful state-wide politician's commitment must be made to human beings, not to Chicanos, Democrats, Republicans, or minorities generally. The issues are *people* issues, the problems everyone's. At the same time, while no Chicano candidate will be successful state-wide by relating only to Chicanos, he or she must nonetheless be an inspiration to Chicanos. Since five percent of the vote offers a small operating base — even if it is secured — the successful candidate must also inspire the Chicano community to raise that percentage.

Chicanos appear to be ready for such a candidate. California is ready for full Chicano representation. And potential candidates probably abound. But before one reaches the top of the pyramid, one must succeed in each step and not fear the legacy of the vendor's "Chicano crabs".



LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Tom Suitt

Tale of the Assembly's write-in Superman

In an era of electronic voting and media political campaigns, the true grass-roots method of electing a candidate to office – the write-in vote – ought to be an anacronism. How many times have write-in campaigns for state ofice been legitimate threats, let alone successful? Isn't the write-in vehicle used most often by those who object to their choices and vote for Mickey Mouse or the neighborhood bartender? But there was a race in 1974 that proved that a legitimate place exists in California for the write-in vote. Without it, the biggest upset in California politics could not have occurred.

By JANINE O CONNOR

The ballot for the June 1974 primary election in the 75th Assembly District contained only two names — that of the Republican incumbent, Ray Seeley of Blythe, and a GOP challenger, William Schultz, the mayor of Desert Hot Springs. This is the story of how a third man, Democrat Tom Suitt, became the eventual winner of the Assembly seat last November.

Despite the Watergate climate and its depressing effect on Republican hopes, anyone who knew anything about California politics assumed that Seeley would easily defeat Schultz in the primary and spend the rest of the election year helping other candidates or timing his stable of race horses. But six weeks before the primary, Suitt, a 39-year-old political unknown, entered the hitherto all-Republican race as a Democratic write-in candidate. Suitt had only 45 days to campaign in a district covering much of the desert portion of Riverside, Imperial and San Diego counties. He succeeded in winning the Democratic nomination with 4,000 write-in votes — a feat that impressed Seeley hardly at all, although he griped a bit about having to run a general-election campaign.

Seeley, 63, never believed that he could be beaten — and with good reason. The district appeared to be safe. He was well known and apparently popular among political leaders in the district. He had just been given the chairmanship of the Assembly Agriculture Committee by the Democratic Speaker, Leo McCarthy. And he was facing a political unknown — and almost a carpetbagger at that. Yet on November 5th, Suitt defeated Seeley by 1,429 votes.

Suitt actually was not a newcomer to politics. He had worked at it for 14 years, primarily in Los Angeles campaigns and on legislative task forces for one group or another. To Suitt, politics had always been a hobby. He had moved from Los Angeles to Indian Wells in Riverside County only in 1972, so he was still an unknown in the 75th Assembly District. Seeley, by contrast, had lived there since 1916. He had served as a county supervisor before winning an Assembly seat in 1970. And he was a good-old-boy rancher who was part of the desert's agricultural and Republican political establishment.

Eating crow

Last September, when Speaker McCarthy visited the district and Suitt asked him for financial support, McCarthy made it clear that he did not think Suitt had a chance of defeating Seeley, especially in Imperial County. As it happened, Suitt piled up his margin of victory in agricultural Imperial county, with a 3,700-vote plurality. Bob Davidson, Suitt's administrative assistant, recalls that surprise: "They kept saying that for Tom to win that race would be a 100-to-1 chance. Remember, in the entire district, only one newspaper endorsed Suitt. Leo McCarthy didn't give Tom a ghost of a chance to beat Seeley. And when he did, McCarthy sent Tom a telegram asking him to have lunch with him so that McCarthy could 'eat about 30 pounds of crow'."

Suitt didn't even have the easiest of times winning the Democratic primary. Robert Meyer, an Imperial County

The author is a free-lance writer who divides her time between the San Francisco Bay Area and Palm Desert. She contributed "Goodbye L.A., hello Contra Costa" in the January issue.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

farmer, had been the Democratic leadership's candidate until he withdrew for personal reasons too late to qualify another Democrat for the ballot. Some Democrats asked Republican Schultz to run as a Democratic write-in candidate even though he was registered as a Republican challenging Seeley on the GOP primary ballot. (Schultz, who had previously been friendly to Seeley, opposed him in the primary because he was disappointed with Seeley's legislative record.) Had Schultz won the Democratic write-in contest, the Republican would have been the Democratic nominee.

It's a bird . . .

It was at about this time that Suitt began trying on Superman political capes. It started with his wife, Jackie, spotting a small article in the local newspaper to the effect that Meyer was withdrawing and the Democrats were looking for a write-in candidate. All it took was a jab from Jackie: "Oh, come on Tom, you've always wanted to run for public office!" The first step was a meeting between Suitt and Schultz. The Republican had already filed his official papers and paid his $400 filing fee to run as a Democratic write-in candidate. Schultz did not press his candidacy too hard, and Suitt beat him on June 5th by a wide margin.

How did Suitt pile up 4,000 votes in a short campaign and then get 10 times as many in the general election to unseat Seeley in a district considered safe for Republicans? The answer:

Hard Work. Suitt conducted an old-fashioned, door-to-door hand-shaking campaign. He met an estimated 50,000 people, one-fifth of the district's population.

Anti-partisanship. Suitt emphasized a conviction that partisan politics was out and that it was the candidate, not the party, that voters should consider.

Self-confidence. Once in the race, Suitt believed that he could and would win. He also raised $40,000, enough to run a respectable campaign in the desert district.

It's a plane . . .

Suitt, who heads a vocational education business (West Coast Schools), depended primarily on senior citizens and teachers as volunteers in his campaign. The Seeley camp retained its confidence but expressed amazement at the prodigious amount of work done by Suitt. When Suitt couldn't reach people handily by car or foot, he flew from town to town in the far-flung district by private plane. By so doing, he developed grass-roots support among Chicanos, small businessmen, doctors, lawyers and Indians. He continually called for an end to partisan political thinking, down to eliminating partisan designations for office-holders. In the era of partisan political scandal, this had an obvious appeal. Davidson feels that Watergate, plus a good Democratic registration drive, produced an unexpected Democratic trend in the desert area. (A top Seeley aide, Al Gergly, concedes that Watergate hurt his man in Riverside County but still cannot explain Suitt's strong run in Imperial County.)

Apathy isn't exactly the word Seeley's people would use to describe what went wrong with the incumbent's campaign. Seeley took it for granted that he would win and spent far less time and money than Suitt. All the Republican leaders kept telling Seeley he had nothing to worry about, and there never was much of a campaign organization. Seeley's undoing probably stemmed from his remoteness from the problems that plagued his constituency. Suitt faults Seeley for a tendency to represent "only one segment of the district community — the large farmer. Ray was heavily supported by lobbyist contributions," Suitt said, "and this was an issue because his money was coming mostly from outside the district." Suitt claims that residents of the Salton Sea area complained of not ever having been visited by a representative of even county government while Seeley was in office. Schultz believes that Suitt won because of showing an interest in the cities while Seeley had directed his attention to special districts and the counties.

Keeping in touch

Now Suitt faces the task of holding a seat the Republicans are bound to make a high-priority target in next year's election. Suitt knows he has to maintain close touch with the grass roots to stay in office. He considers himself "a kind of ombudsman" to help provide service to the public. He maintains three field offices — in Palm Springs, San Diego County, and El Centro. He is used to organizing for the masses through his vocational-education business. (During the Watts riots in Los Angeles, he opened a Community Skill Center that trained 1,200 youths the first year and put 92 percent of them to work. His company now operates 22 schools in four counties.) Even now Suitt visits Los Angeles unemployment and welfare ofices periodically to talk to those down on their luck. He says this is to remind himself that "these people are harassed and hurt by society's welfare attitudes. They are not a bunch of deadbeats. We need to streamline the welfare system so that welfare is a transition thing only and not a situation that becomes a way of life."

Those views may have played a role in his success. After all, they reflect the outlook in principle of California's two most successful contemporary politicians, Ronald Reagan and Jerry Brown.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

THE PERIPHERAL CANAL

Environmental concerns catch up with Southern thirst

By JAMES M. DOURGARIAN

A funny thing happened to the Peripheral Canal on its way from the drawing board to the Sacramento-San Joaquin Delta: Californians elected Edmund Brown Jr. as governor.

The canal, supposedly a link in the California Water Project, has become a symbol of the confrontation between the Brown administration and the water industry, which is traditionally represented by the Metropolitan Water District of Southern California and the Kern County Water Agency. Brown has challenged the status quo in water matters as he has in dealing with questions of freeways, oil, sexual conduct, marijuana-smoking, and land-use. In water matters, the status quo holds that the state should build dams. Brown is moving the water debate away from concerns for further development of water resources to a focus on managing them.

Those in the water industry tended to support Brown's gubernatorial opponent, Republican Houston Flournoy, because he promised them the canal. So Brown's election dampened the industry's spirits, even though it didn't know where he really stood. [The canal would divert Sacramento River water upstream at the town of Hood and carry it 43 miles around the eastern edge of the Delta, where the California Aqueduct would continue its journey south; see "The Delta water controversy," *CJ*, January 1973.]

Some jolts

The industry was shocked when Brown appointed Claire Dedrick of the Sierra Club to head the state Resources Agency. Dedrick further jolted the industry when she said that the canal, in her opinion, "ought to be killed, dead," although she added that that would not necessarily be her recommendation as resources secretary.

The key water appointment, however, is directorship of the Department of Water Resources, which is part of the agency Dedrick heads. Traditionally, the department and such entities as the Metropolitan Water District (MWD) have been as close as Siamese twins. The appointment of Ronald Robie, former Assembly Water Committee consultant and most recently vice chairman of the state Water Resources Control Board, severed that intimate relationship. Within the industry Robie was considered to be "a Dedrick type".

These people were hoping that Brown would name someone from the industry, and one person who wanted the job was William H. Fairbank Jr., lobbyist for MWD and a former deputy director of the department. Also being promoted for the job was David N. Kennedy, MWD's assistant general manager. (Kennedy could work with the environmentalists, his supporters thought, but he confessed later that one reason he told Brown not to consider him was that "those people would drive me crazy within a month.")

With Robie's appointment, Daniel Blackburn, then executive director of the Association of State Water Project Agencies, which was formed to lobby for the canal, pronounced the transition complete. Blackburn meant the transition from those in favor of resource development to those favoring resource management. The transition *isn't* complete, however, and won't be until Brown actually makes a decision, definitively, on the canal project.

Contra Costa's stand

The canal would have been under construction by now except for a series of delays for reassessment, the latest declared by Robie shortly after taking office. The change in attitude reflected by these delays is also shown in Blackburn's resignation from the lobbying association. "If we, as developers of public resources, cannot demonstrate to the prospective recipients the value of a particular development," Blackburn commented on one occasion, "we should think more than once about its construction."

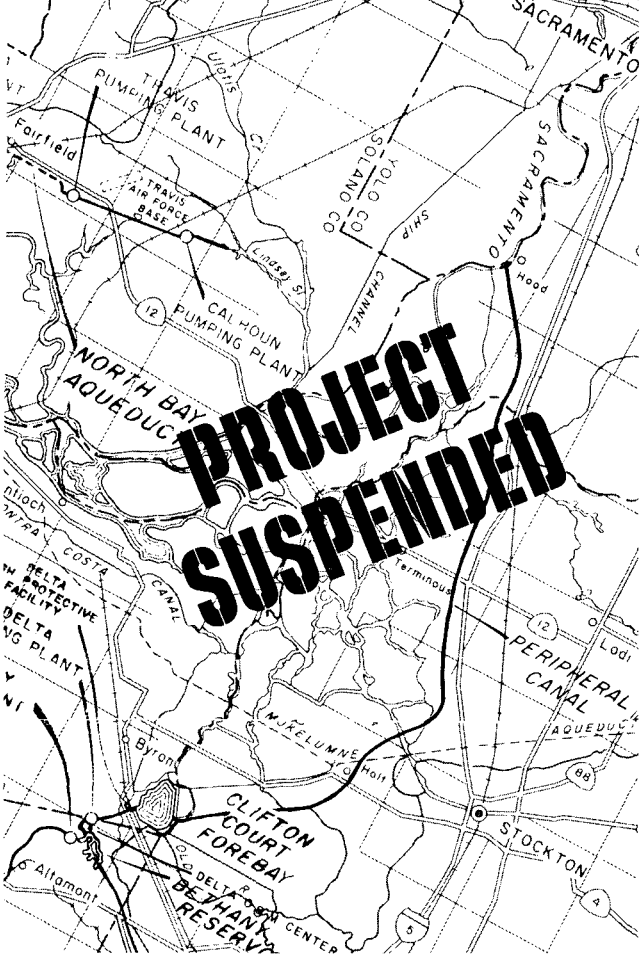
While the attitudes of the state agencies involved have thus shifted in favor of concern for the Delta environment, Contra Costa County, which borders it to the south, has always had a Delta-first policy in opposing the canal. Jack Port, executive secretary of the Contra Costa Water Agency, cited a number of reasons for the agency's opposition, among them:

- The Department of Fish and Game (another element of Dedrick's agency) still hasn't solved the problem of screening fish from the canal's intake at Hood to protect the Delta's fishing resource.
- The federal Bureau of Reclamation doesn't feel that it must comply with state water laws and rulings, and the courts have yet to hold otherwise.
- The state water plan should be tied to a state land-use plan that has yet to be drafted, let alone adopted.
- The state won't know how the canal will operate until it is operating.

Proponents of the canal are responding now by seeking federal legislation authorizing its construction while

The author is a free-lance writer who formerly covered the capital for the Lesher newspapers in the Delta region.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED



providing for safeguarding the Delta environment. MWD's lobbyist, Bill Fairbank, defends this action in these terms: "Somebody had to take the leadership during this two-year study period the director has announced. So we [the association] hired Harvey Banks [former director of water resources] to write in concept, not in final language, those things that should be included in a federal bill for the protection of the Delta."

Hiring Banks created something of a controversy since he was also a consultant to the Contra Costa Water District, a supporter of Delta protection. Banks quickly resigned the new association job, but Fairbank defended the choice, saying that, since the canal could only be built if adequate environmental safeguards were provided, there was no conflict of interest. In any case, the Contra Costa district reauthorized Banks to do the same consultant work.

Stuart Pyle, engineer-manager of the Kern County Water Agency and vice chairman of the water projects association, expressed concern that the state might not be able to meet its contractual agreements to deliver stated amounts of water through the State Water Project to Kern County and Southern California without further resource development — namely building the canal. Pyle calls the Brown administration's delay "a step backwards", adding that the state could face lawsuits for failing to make its contracted water deliveries.

The state's present attitude displays no such concern. "The Peripheral Canal must be examined as to its role and place in the state-wide water-management picture," said Robin Reynolds, a special assistant to Robie. "This will require a new look at the amounts of water in the Delta that are available for all purposes. In taking this new look at the Delta, we cannot be restricted by what in the past might have been considered to be firm commitments but which, in fact, might be unrealistic." Robie himself put it this way: "The interests of the contractors aren't the same as the department's. In their desire to get deliveries, they aren't constrained to protect the Delta. We are."

The draft environmental impact report on the canal placed the cost of construction at $330 million. However, Robie said, the cost could be "substantially more" than that — perhaps totalling as much as $500 million. If that is the case, Robie said, the state could not build the canal without federal participation, and would definitely have to consider alternatives to it.

Question of alternatives

Robie added, however, that there is little danger of the state's not delivering contracted water. "The question," he said, "is *how*." Not enough study of alternatives to a canal has been done, Robie explained.

Another problem to be solved, Robie said, is the federal reclamation bureau's insistence that decisions by the state do not apply to it — precisely the concern of Contra Costa County. This attitude is being challenged in federal court because, without the bureau's compliance with federal Environmental Protection Agency standards as developed by the state Water Resources Control Board, Robie said, the state could be left "holding the bag" in a situation of dual operation of the canal by the state and the federal government during low-water years. The federal government could continue to pump fresh water southward while the state would vainly try to protect the Delta environment from invading salt water, he explained.

Gerald Meral, a top Robie aide and former staff scientist for the Environmental Defense Fund (and another "Dedrick type" to the water industry) said that it is impossible to say whether the canal will be built or not until the current reassessment is completed. Meral agreed with Pyle's contention, however, that it will be doubtful whether the state can deliver the amounts of contracted water specified without the canal or some alternative to it. (He notes, though, that the contracts specify only that the state must *try* to deliver all the contracted water it can; if it tries but fails, he predicted, it can't be successfully sued as long as the state can prove that the canal or an alternative to it wouldn't be in the state's best interest.)

At present, Meral said, no alternative to the canal exists that can deliver the water and also protect the Delta from salt-water intrusion if too much fresh water is diverted around it. That is precisely what the department is trying to come up with.

Special offer on 1974 binders

The best way to store copies of the *California Journal* is in a sturdy, handsome three-ring binder made especially to hold one year's magazines. For a limited time, anyone purchasing a 1974 binder at the regular price of $7.42 (including tax) will also receive a free copy of the 1974 *Journal* index, a $1.50 value.

Binders are also available for 1970, 1971, 1972, 1973 and 1975 at $7.42 each. Send orders to Binder offer, California Journal, 1617 10th St., Sacramento 95814.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

The no-growth politics of cutting off water

By JAMES KIMO CAMPBELL

Marin County does not generally evoke images of rapid or radical change. If any Bay Area resident thinks of the rolling land north of the Golden Gate, it is very likely with several shades of green in mind. From the verdant slopes of Mount Tamalpais to the ample financial resources of many residents and the envy such conditions may inspire, Marin County comes into hazy focus as a sort of Middle American lotus-land. The county's reputation for wealth and solid Republican voting habits would more likely bring to mind a quip about its being "the Orange County of the North" rather than an image of Marin as a likely place for an assault on the rights of private property by a public body supported by a majority of county voters.

Yet, events in Marin over the last five years have wrought fundamental change. The Democrats caught and passed Republicans in voter registration in the late sixties and early seventies, benefitting greatly from the lowering of the voting age. An influx of young adults and the growth of an active environmental movement has enlivened and rejuvenated the once-staid politics of Marin, creating a battleground for the clashes between newcomers.

Electing left-of-center Democrats like John Burton to the House of Representatives and Michael Wornum to the Assembly may be the first signs of the changing ways of Marin to outsiders to the county's politics, but the tangled recent history of Marin's search for new water supplies may well be more indicative of where the county and the state is heading.

Search for water

Driven by an increasing demand for limited water supplies and faced with environmental opposition to importing or tapping additional sources of water, the Marin Muncipal Water District (MMWD) has banned new water connections. This led to bitter election battles for seats on the MMWD board, lawsuits, picketing and recriminations — but no change in policy, which opponents see as an illegal infringement on the rights of land-owners. The ban on water connections is now central to all issues in the county. With a majority of the Marin Board of Supervisors up for reelection this year, the debate over land-use planning and control of growth is likely to spread.

The emergence of the MMWD as a political issue is symptomatic of the change in tactics in the conservationist movement in Marin and elsewhere. As the clamor over "ecology" grew louder, the mental image of the older, quieter "conservationist" gave way to that of the often-abrasive "environmentalist." As the era of "gentlemen's agreements" was succeeded by the era of environmental impact reports, the water district became the center of a battle that gave environmentalists a strong issue to put before the people.

In the beginning . . .

In 1970, the water district's board, made of up five members elected from districts, put an $11.5 million bond issue on the ballot. It was to finance improvement in district facilities and the start of an aqueduct to import water from Russian River in Sonoma County. The measure narrowly passed in a district in which previous bond issues had been approved overwhelmingly.

The board members, primarily growth-oriented people who felt an obligation to plan water actions to accommodate a maximum number of people, were uneasy with the outcome and uncertain of what it meant. Their reaction was to try to bypass the opposition. In the spring of 1971, MMWD attempted to pass legislation allowing the district to borrow $18 million from the Sonoma County Water Agency without having to consult the voters. A second bill, designed to improve the chances of passage, provided for a superagency in Marin and southern Sonoma counties. In this agency, MMWD would be combined with the North Marin Water District and Sonoma County Water District; by adding the fast-growing Novato area of North Marin to the likewise booming Petaluma-Rohnert Park-Cotati area of Sonoma the anti-pipeline vote in southern Marin would be offset. Thus, the *total* electorate would be asked to approve the $47.7 million estimated cost of the Marin-Sonoma aqueduct as a single item.

When word of the plan became public, however, Marin Assemblyman William Bagley of San Rafael refused to introduce the measures and, later, watered them down with clauses demanding voter approval. Thus, MMWD was forced to uphold its 1970 pledge to put any bond issue on the ballot.

Strategy shifts

Faced with the need to convince the voters to go for a project that they had tried to enter without sanction, MMWD argued now that Marin's population was outstripping the capacity of the county watershed. General Manager William R. Seeger, an engineer widely known for his experience and enthusiasm for water-transporting projects, argued that Marin had to have its projected 44,000 acre-feet share of the Marin-Sonoma aqueduct or run dry.

The public did not find this reasoning convincing. A wide range of public groups opposed the Russian River

The author is a free-lance writer and member of the Marin Community College District Board of Trustees.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

project. While water-board directors campaigned against future water shortages, opponents of the aqueduct stressed the development that would follow assurance of adequate and increasing water stocks, and the increased cost of public services that would follow development. The outcome looked close, but the voters went 9-1 against the project.

Vote aftermath

Stunned by the margin of defeat, the board appointed a moderate conservationist named Jack Felson to a vacant seat in the hope that this would placate the ecology groups. The following spring, Seeger advised the board to put a moratorium on new pipeline extensions, since the predicted water supply was down. Three months later, in May 1972, the board declared that a "threatened water shortage" existed, and moved to explore new sources of water. But it voted down a moratorium on pipeline extensions. In June, Dr. Ron Stafford, an articulate critic of past board policies, upset Robert Anderson Jr., whose father had held the seat for the previous two decades. Stafford's election brought with it an impasse at any time one of the three veteran board members was absent.

Then, in the fall Director Miller resigned, assuring a 2-to-2 deadlock on environmental issues until his seat could be filled. When the election was held in the spring of 1973, Dr. Martin Griffin, a physician with long experience in Sierra Club politics, defeated his opponent by a 5-to-1 margin in a campaign in which the issue was for the first time portrayed as one of "growth" versus "no-growth". Griffin opposed any Sonoma County water importation. [For an early roundup of the no-growth phenomenon, see "Californians say no to growth," *CJ*, July 1973.]

Citing low rainfall and the previous board's own arguments on water expectations, the new conservationist majority put a temporary moratorium into effect, banning new water connections. Despite legal challenges since then and one adverse ruling (under appeal), the ban remains in effect under a board reconstituted in the 1974 elections.

The adverse ruling came in a $3 million action filed by the McCarthy Company construction firm of San Rafael. Marin County Superior Court Judge E. Warren McGuire ruled that the hookup moratorium was illegal since no actual water shortage existed at the time it was imposed. The appeal is seen by some as holding great potential as a case that could provide a basis for setting legal precedents in the environmental-development field. Recent decisions by the California Supreme Court, based on suits filed in San Jose and San Diego, held that local jurisdictions can refuse to grant new building if facilities are insufficient to meet the anticipated extra demand for services. Water arguments in the future, it is suggested, may well be tied to this same principle of measuring capacity to meet reasonable future needs.

Early last May, the Marin Municipal Water District Board voted 4 to 1 to buy Sonoma County water if needed. Current demand is around 32,000 acre-feet per year with an annual safe yield of 26,000 acre-feet, although water-conservation practices and use of recycled water for irrigation may leave enough potable water to meet demand in the next few years. But, despite construction of three new water-treatment plants and a massive public-education campaign on water economy, the plans the board is now developing cannot meet a demand of between 34,000 and 37,000 acre-feet, which is the low estimate of need projected for the period 1975-1990.

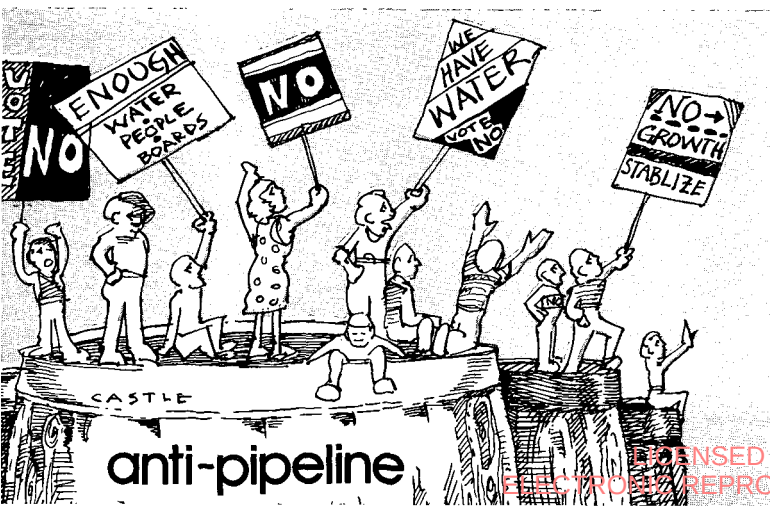
Three alternate plans to increase the storage capacity and backup strength of the present MMWD reservoirs are being studied. Should the pipeline finally be built, or a combination of recycling, water management and new in-county reservoirs be worked out, the moratorium may be lifted by late 1976 or early 1977. Construction firms and real-estate people are far from happy with the "maybe-if" nature of the moratorium. A $10 million suit filed by American Savings and Loan of Marin has charged the MMWD and the County of Marin, in its planning capacity, with restraining land-use and making construction impossible.

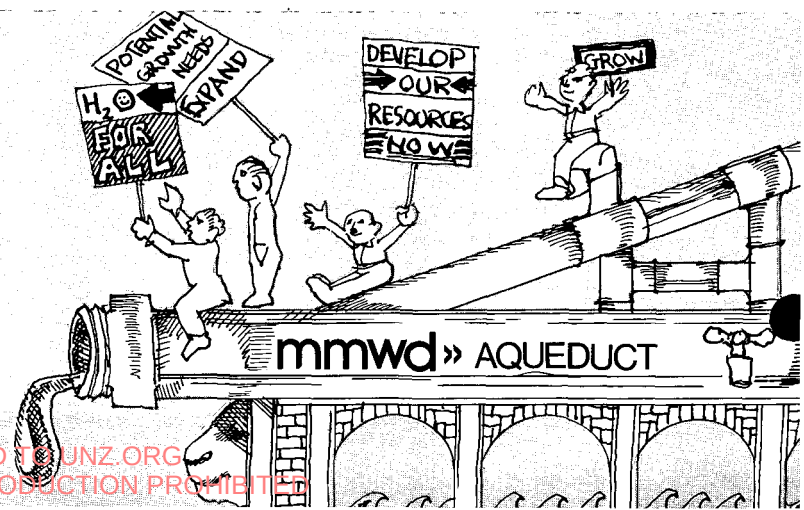
In search of guidance

The Marin case is the most imposing so far of residents' feelings toward importing water to make additional growth possible. While the jurisdictions in the Santa Barbara area have a much clearer case of water shortage, they are also tied into the old system of options set up by the State Water Project in its heyday. Both Santa Barbara and San Luis Obispo counties can participate in building a system to transport Feather River water south. (But even here the county boards have hesitated, unsure that voters will approve the necessary bonds, and along the Feather River there is talk of sending the water to Kern County instead. This parallels the experience of Sonoma County's ire over the changing priorities of Marin voters.)

In the absence of statewide land-use planning or a definitive decision making water importation and new construction a primary duty of resource boards and local government, the Marin experience will be studied for clues as to the legal and practical consequences of growth.

It is, perhaps, an indication of how far the debate has come in Marin that opponents of the moratorium are now talking about reasonable growth within the county plan rather than total development as present property-owners see fit.





LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

NEWSBRIEFS

Los Angeles sends Assembly its third female member

The Assembly will get its third female member this month after Democrat Teresa (Terry) Hughes goes through the formality of a runoff election July 15th in Los Angeles' predominantly Black 47th Assembly District. Hughes, who led a field of nine candidates in a special election June 17th, will join veteran Pauline Davis and first-termer Leona Egeland in the ranks of assemblywomen. The vacancy was created by the election of Democrat Bill Greene to the state Senate. Hughes was heavily backed by the South Los Angeles political organization headed by Lieutenant Governor Mervyn Dymally, who put both money and manpower in the contest.

On July 15th, Hughes will face the only Republican in the race, Henry W. Sellers, a Bell minister. Hughes is an educational consultant whose strongest opposition came from former Dymally campaign manager Willard H. Murray. Dymally's arch-rival in the state's Black community, Los Angeles Mayor Tom Bradley, kept out of the race.

The results: Hughes, 5,107 (36%); Murray, 3,804 (27%); Clarence H. Knechtel, 2,140 (15%); Ocie P. Hinkle, 921; Tyree Jim Gibson, 697; Sellers, 617; Jerry Mosqueda, 362; Beverly P. Holloway, 355; and Leo LaChapelle, 138. Sellers will be in the runoff because state law provides that if no candidate receives a majority in the special the top vote-getters from each party shall face one another.

Medi-Cal reform ends in failure: it cost more than it saved

The Brown administration ended a requirement imposed by the Reagan administration that Medi-Cal patients obtain state approval before receiving more than two treatments or prescriptions a month. In announcing the end of this practice last month, Health and Welfare Secretary Mario Obledo called it "a black mark on government and a system based on mistrust of patients and physicians." Even worse, he said, the intended reform cost more to implement than it saved in unnecessary office visits and prescriptions — $900,000 in clerical costs versus $300,000 in denied fees.

State reveals loan practice that dries up funds for needy

It was just a map of the city, but on it someone had traced a red line; within the area bound in red, loans were to be discouraged as a matter of course. This practice, called "redlining", was made public last month by the Department of Savings and Loan, which collects data on state-chartered loan institutions. The data showed that an estimated million Los Angelenos inhabit redlined areas; so do a tenth of all Sacramentans.

Commented Donald Burns, secretary of the Business and Transportation Agency: "There's absolutely no question that a hundred reasonable men out of a hundred would agree that loans are not made in certain geographical areas and that those areas correspond to areas where people's skin is darker than that of the Caucasian majority and whose language is other than English. That's a fact." Representatives of savings-and-loan institutions did not deny the practice but declined to accept blame for the resulting slums. "That is like saying the thermometer is at fault when you run a fever," said Richard C. Farrer, director of the California Association of Realtors.

Burns agreed that some public intervention would also be needed to break the cycle that dries up funds, saps hope and pride, and leads to urban decay. Cities might help, he suggested, by channeling some revenue-sharing funds into these redlined neighborhoods.

Mobil Oil loses $22.9 million clean-air grant

The newly reconstituted Pollution Control Authority withdrew $22.9 million in bond authorizations previously granted Mobil Oil for installation of equipment to clear the air around its refinery in Torrance to meet Los Angeles Air Pollution Control District standards.

The state authority was created by the voters in 1972 to authorize up to $200 million in nontaxable revenue bonds to finance industrial air and water pollution control equipment required to meet legal standards. In denying the funds, the new board made it clear that it intends the bond money to go to small businesses rather than giant corporations.

Another action by a Reagan-era board was reversed — this one by the state Air Resources Board. The new ARB said the sulfur dioxide standard would permit quantities of sulfur dioxide harmful to crops, people and visibility. The eased standard was adopted — cutting the requirement from a maximum of .04 parts per million to .10 parts per million — because of pressures generated by the petroleum crisis. The board decided, however, to restudy the standard.

Governor's rating surpasses those of two predecessors

According to pollster Mervyn Field, Governor Brown's job performance so far ranks higher than the best ratings achieved by his two most recent predecessors, Ronald Reagan and his father, Edmund G. Brown Sr. Some 43 percent of those queried gave Jerry Brown "good" marks against only 7 percent "poor". This, said Field, was "the most favorable rating achieved by any governor when measured by the California Poll."

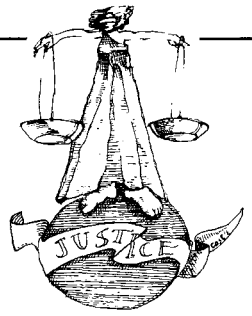
Commented Field: "Brown's personality and performance seem to have created more positive than negative impressions among the public, but only time will tell whether this is merely the 'honeymoon' phase experienced by many office-holders. . . ."

U.S. Supreme Court clears the way for state pay raises

The United State Supreme Court last month unblocked two years of retroactive pay increases for California government employees. The decision released some $83.4 million covering the period July 1, 1973, to April 30, 1974. The money had been withheld pending appeal of a decision that the amount of the raise exceeded the wage-and-price guidelines set by the Nixon administration in an effort to check inflation.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

SIGNIFICANT COURT ACTIONS



Getting the lead out

Who has authority to regulate the amount of lead or other chemicals contained in gasoline sold to the public — the state Air Resources Board or local air-pollution control districts? In a unanimous decision, the state Supreme Court ruled that this power resides in the state board.

In *Western Oil & Gas,* the court threw out a 1971 rule of the Orange County Air Pollution District requiring a gradual reduction in the lead content of gasoline sold within its borders. A trade association, Western Oil and Gas, challenged the rule, arguing that the local districts have no control over vehicular pollution and that it would be impractical to regulate gasoline content on a local basis.

During the Reagan administration, the Air Resources Board supported the local district, asserting that the state board had no control over what goes into gasoline — a position that the attorney general's office felt obliged to support. Under the Brown administration the reconstituted ARB, headed by Tom Quinn, took the opposite stance. The attorney general was stuck with the old position and could not represent the new ARB in the case. So board members Mary Nichols, an attorney, and staff lawyers Kingsley Macomber and Eli Chernow handled it.

The Supreme Court, in an opinion written by Justice Stanley Mosk, found that the broad powers of the Air Resources Board include authority to regulate gasoline content if the ARB finds it necessary and technologically feasible.

Right to know

In another unanimous decision, written by Chief Justice Donald R. Wright, the court ruled that the prosecution must disclose to a criminal defendant all favorable material evidence relating to the guilt, punishment or credibility of witnesses, whether or not the defendant requests the information. The court stated that the prosecutor's intentional, negligent or inadvertent failure to disclose such information requires reversal of a conviction unless the prosecutor can prove beyond a reasonable doubt that the supressed evidence would not have affected the verdict.

In *People* v. *Ruthford,* the prosecutor induced Archie Ruthford's alleged accomplice to testify against him in exchange for a promise that the witness' wife would receive lenient treatment in an unrelated robbery case. This agreement was not disclosed to Ruthford's attorney, and the prosecutor informed the trial court that no promise had been made to the witness. The agreement was revealed only after Ruthford was convicted.

The court found that information about the agreement was vital to the credibility of the witness, especially since Ruthford created a conflict in the testimony by offering an alibi.

Limits of frivolity

A number of public-school students and parents sued the Los Angeles Unified School District and others, claiming a violation of state school laws. The defendants demanded that the students post $20,900 in security for costs that might be incurred by the defendants if the suit were unsuccessful. The trial court ordered that the bond be posted or that the case be dismissed.

But the state Supreme Court ruled unconstitutional, in *Beaudreau* v. *Superior Court,* statutes requiring that security be posted in these cases. In a unanimous opinion written by Justice Raymond L. Sullivan, the court assumed that the statutes were enacted to deter frivolous lawsuits against public employees and public entities. However, the court found that the Legislature had failed to provide due process to the students by failing to distinguish between meritorious and frivolous claims. The court held that, before anyone can be required to relinquish property as security, a hearing should be held into the merits of the plaintiff's case and the proper amount of bond. This procedure, Sullivan wrote, would discourage unfounded litigation and would also avoid placing an unreasonable burden on someone with a valid case.

Because the statutes failed to provide for a due-process hearing and gave the trial court no discretion on security, the high court found the statutes in violation of both the state and federal constitutions.

Selected government reports

Broadcasting and Cable Television: Policies for Diversity and Change; Committee for Economic Development, 477 Madison Ave., New York, N.Y. 10022. Proposals growing out of a study of elements in nationwide communications policy. 128 pp. ($2.50 paperbound, $4 hard.)

Telecommunications and the Public Interest: Needs and Prospects in California; Joint Legislative Committee on Telecommunications. Recommendations to maximize telecommunications in public interest. 235 pp. Available from the committee, 1116 9th St., Room 58, Sacramento 95814.

Year-Round Education Handbook; California Department of Education, 721 Capitol Mall, Sacramento 95814. Designed to help school districts implement and improve year-round teaching concept. 62 pp.

California School Boards: The Student (Part 2: Needs); California School Boards Association, May 1975. Special issue. 34 pp. Available from the association, Suite 201, 800 9th St., Sacramento 95814.

Human Resource Agencies: Administrative Support Services; Council of State Governments. Planning, budgeting, and personnel management critical to implementing objectives of large administrative agencies. 36 pp. Also: **Creating A Regional Structure.** Reviews reasons for creating regional structures. 63 pp. Both available from the council, Iron Works Pike, Lexington, Ky. 40511. ($3 each.)

CORRECTION

In last month's key votes, Assemblyman Bruce Nestande was erroneously listed as not voting on ACA 37 to reduce the margin needed for passage of a bond issue from two-thirds to 60 percent. He should have been listed as a yes vote. Assemblyman Julian Dixon should have been recorded as absent or not voting instead of as voting aye.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

California *NEWSMAKERS*

End of the era of sweetness and light

The era of sweetness and light has ended within the California Republican party with the forces of Governor **Ronald Reagan** and President **Gerald Ford** at war over the 1976 GOP presidential nomination. The central figure in the conflict is state Republican Chairman **Paul Haerle,** a former Reagan aide who is now in the Ford camp. Haerle, who has refused to remain neutral, has challenged claims by Reagan supporters that the state chairman is not supposed to take sides in these races. Reagan is under pressure from conservatives to challenge Ford, but the former Governor probably will not make his decision known for several months. Attorney General **Evelle J. Younger** is also a key member of the President's California operation. **Lyn Nofziger,** a campaign management consultant and former Reagan communications director, issued a statement signed by 18 Republican leaders calling on Haerle to remain neutral or resign. One of the signers was Assemblyman **Ken Maddy** of Fresno, one of the least conservative GOP members of the Legislature.

Former Assemblyman **John Quimby,** 40, defeated in the Democratic primary last year, has been granted a full pension of $848 a month from the legislative retirement system because of disability. Quimby, a former disc jockey who is confined to a wheelchair, is now a lobbyist for a group known as Good Government Advocates .... Former Republican state Senator **Richard J. Dolwig,** 67, pleaded not guilty to fraud charges involving a real-estate financing operation .... Highway Patrol Captain **Bruce Emery** was given a written reprimand by CHP Commissioner **Glen Craig** for voiding a speeding ticket given to Assembly Speaker pro Tem **Louis Papan.** The ticket was later reinstated, and Papan forfeited $65 bail on a charge of driving 90 miles an hour about 20 miles south of Sacramento .... Former Republican Assemblyman **Doug Carter,** who withdrew from his re-election contest last year and then re-entered the contest (to be soundly defeated by Democrat John Garamendi), is talking about running for the Assembly again — this time for the seat held by Democrat **Carmen Perino.**

Ivy Baker Priest, state treasurer during the Reagan years and treasurer of the United States during the Eisenhower Administration, died in Santa Monica at 69. She had intended to run for a third term last year but was advised by her doctor that she had terminal cancer. She began working for the Republican Party as a

Ivy Baker Priest

child and ran unsuccessfully for Congress as a young woman in Utah. She served as Republican national committeewoman from Utah and was the first woman ever elected to statewide office in California .... Two old friends from the California Legislature were united in Washington with the appointment of **DeVan L. Shumway,** former head of the United Press International bureau in Sacramento and later spokesman for the Committee for Reelection of the President (Nixon), as head of public affairs for the new Commodity Futures Trading Commission, headed by former Assemblyman **William T. Bagley** of Marin County.

Edward J. Kirby was removed as director of the Department of Alcoholic Beverage Control by Governor Brown and replaced temporarily by **Donald Burns,** state business and transportation secretary .... UCLA Chancellor **Charles E. Young** was charged with drunk driving following an accident in which he was injured .... **Donald C. Swain,** vice chancellor for academic affairs at the University of California at Davis, was appointed academic vice president of the state-wide university at a salary of $45,000 a year.

Stock in Adolph Coors Co., producer of California's most-sold beer, went on sale through most of the nation, but state Corporations Commissioner **Willie R. Barnes** prohibited its sale in California because the shares were non-voting .... A judge blocked Governor Brown's removal of **John M. Mayfield Jr.** from the North Coast Regional Coastline Commission. Brown fired Mayfield for working in the campaign of the GOP candidate for governor, **Houston I. Flournoy** .... Attorney General Younger ruled that the widow of Oakland schools superintendent **Marcus Foster,** slain by the Symbionese Liberation Army, is entitled to $170,000 from Foster's unexpired contract with the school district.

Gerald L. Warren was named editor of the San Diego Union, following his resignation as deputy White House press secretary — a post he held during the Nixon administration .... KNXT Channel 2 in Los Angeles dropped **Jerry Dunphy** and **Bill Stout** as anchormen of the dinner-time news programs .... **Phill Silver,** the Los Angeles attorney who led a long fight to reapportion the state Legislature along one-man, one-vote lines, was slain by robbers at the age of 68 .... Former Democratic Congressman **Everett Burkhalter** of Los Angeles died at 78.

State Treasurer **Jesse M. Unruh** protested loudly against the announced 1986 parole date for **Sirhan Sirhan,** killer of Robert Kennedy. Unruh called the Adult Authority action "the height of asininity" .... **Arlene M. Becker,** 35, former head of the women's prison at Patton, was named head of parole operations within the state Department of Corrections .... **Carol Lynn Mock,** a 22-year-old graduate of UC Santa Barbara, was named the first UC student Regent. She will enroll as a graduate student at Berkeley in the fall.

Governor Brown named his executive assistant **Gray Davis** to head the California Council on Criminal Justice, succeeding Attorney General Younger, who resigned .... The swing vote on the Public Utilities Commission, **David W. Holmes,** was elected president of the PUC for a one-year term. Holmes, an appointee of former Governor Reagan, has often voted with the two Brown appointees on the commission.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

Collective bargaining as an encore

After signing the landmark farm-labor legislation into law, what could Governor Brown do for an encore? Apparently, he found a routine that would at least match his adroit maneuvering of the parties to the long agricultural conflict — hammering out the outline of an equally complex measure establishing a collective-bargaining system for public employees in California.

On June 17th, it became apparent that Brown had satisfied most of the parties to the long legislative struggle over collective bargaining. At the start of this session, it was assumed that a bill would be approved rapidly because there was a belief that with Brown as Governor some plan would be enacted, since he had accepted the concept of collective bargaining during his election campaign. But when lawmakers became immersed in the details of drafting a bill, they discovered that the situation was quite the opposite of that faced by Brown in compromising the farm-labor issue. With collective bargaining, there was agreement on the rhetoric but difficulty in working out the provisions. With farm labor, the provisions were relatively easy once the rhetoric ceased.

In achieving the compromise, Brown used traditional labor mediation tactics, separating the various parties in different rooms, wearing them out with late-night meetings, and going from room to room manipulating the disputants. Here are some key elements in the compromise:

- The state's 1.2 million public employees would not have a legal right to strike nor the option of binding arbitration in which a third party could impose a settlement.
- When public employers and employees reach an impasse, non-binding mediation would be employed.
- If agreement still could not be reached, employees could call an illegal strike. In that event, local government officials claim, there would be a sufficient number of supervisory personnel left on the job to continue vital services. (The definition of supervisory personnel had been a major issue in the legislative negotiations.) City and county officials said that the compromise also spells out the issues that could be placed on the bargaining table to their satisfaction. Public agencies had feared that bargaining would extend far beyond such traditional items as wages, hours and working conditions.

Curt Hopkins — *The California State Employee*

'Good morning – Governor's Office. May I help you?'

Although a general compromise was attained, stumbling blocks did arise and it was apparent that it would take a while to work out the details during the plan's progress through the long legislative process. Brown himself was cautious in his comments, but parties to the negotiations assumed the battle would soon be over and generally credited the Governor's toughness and persistence for resolving the complex issue.

Budget politics

Meanwhile, the Legislature ignored the constitutional requirement that the state budget be passed by June 15th so that the Governor can have a reasonable time to decide what to blue-pencil from the massive spending plan. On June 18th, the Senate approved, 32 to 5, the $11.5 billion package drafted by a two-house conference committee. But when the measure went before the Assembly a small band of Democrats led by Willie L. Brown Jr. of San Francisco joined almost all the Republicans to prevent Speaker Leo McCarthy from mustering the necessary two-thirds vote. Brown said that the budget was too tight in the areas of health, welfare, education and public-employee pay. Republicans demanded additional cuts.

Although the Constitution has a June 15th deadline, the practical cut-off day is June 30th, the day before the start of the new fiscal year. McCarthy said that he would try once again to enact the budget, rejected by a 49-20 vote, and if that attempt failed he would appoint a new conference committee. An obvious way out would be to add items and let them be vetoed by the Governor.

For Assemblyman Brown, the budget provided a vehicle to embarrass his arch-rival, McCarthy, who had defeated him in a bitter contest for the speakership. (A detailed analysis of the budget will be included in next month's *California Journal*.)

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

SENATE (25 D, 15R)	SB 261	SB 492	SB 507	SB 557	SB 775	SB 818	SB 42	SB 237	SB 278	SB 574	SB 430	SB 445	SB 534	SB 1xxx	AB 1x	SB 49	SB 844	SB 631	AB 888	SB 8
Alquist (D)	Y	Y	*	Y	*	N	*	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Ayala (D)	Y	Y	N	Y	Y	N	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y
Behr (R)	Y	Y	Y	Y	Y	N	*	*	*	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Beilenson (D)	*	N	Y	Y	Y	Y	*	*	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	N
Berryhill (R)	N	Y	N	N	N	N	Y	Y	*	N	Y	N	N	N	Y	Y	N	*	Y	Y
Carpenter (R)	*	Y	N	N	N	N	Y	Y	*	*	N	N	Y	N	N	N	N	N	N	Y
Collier (D)	Y	Y	N	N	N	N	Y	*	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	N
Cusanovich (R)	*	Y	*	*	*	*	Y	*	Y	*	*	N	Y	Y	N	Y	N	*	*	N
Deukmejian (R)	Y	Y	N	N	N	N	Y	Y	*	N	N	N	Y	N	N	Y	N	Y	Y	N
Dills (D)	*	Y	N	Y	*	N	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	N
Dunlap (D)	Y	N	Y	Y	N	Y	Y	*	N	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Garcia (D)	Y	Y	Y	*	*	N	Y	*	N	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Gregorio (D)	*	N	Y	*	Y	*	Y	*	Y	Y	*	Y	Y	Y	Y	Y	Y	N	Y	N
Greene (D)	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Grunsky (R)	*	Y	N	N	Y	Y	N	Y	Y	Y	Y	N	Y	Y	N	Y	N	Y	Y	N
Holden (D)	Y	*	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Holmdahl (D)	Y	N	N	Y	Y	N	Y	Y	Y	N	Y	N	Y	Y	Y	Y	N	Y	Y	N
Kennick (D)	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Marks (R)	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	N
Mills (D)	*	*	Y	Y	N	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Moscone (D)	Y	N	Y	Y	N	Y	Y	N	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	N
Nejedly (R)	Y	*	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	*	*	Y	Y	N
Petris (D)	*	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Presley (D)	Y	Y	N	Y	N	N	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	N
Rains (D)	Y	N	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Richardson (R)	*	N	N	N	Y	Y	Y	Y	Y	Y	N	N	*	N	N	N	N	Y	N	N
Robbins (D)	*	N	N	Y	N	Y	Y	Y	Y	Y	Y	*	Y	Y	Y	Y	Y	Y	Y	N
Roberti (D)	Y	N	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Rodda (D)	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Russell (R)	N	Y	N	N	N	N	Y	Y	Y	Y	N	N	N	N	N	N	N	Y	N	N
Schrade (R)	Y	Y	N	N	N	N	Y	Y	Y	Y	N	N	N	N	N	N	N	Y	N	N
Smith (D)	Y	N	Y	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Song (D)	Y	Y	Y	Y	Y	*	Y	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N
Stevens (R)	*	Y	N	*	Y	*	Y	*	Y	*	Y	N	Y	Y	N	Y	N	Y	Y	N
Stiern (D)	Y	*	Y	Y	N	Y	Y	Y	Y	Y	N	N	Y	Y	N	Y	N	Y	Y	N
Stull (R)	Y	Y	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	N	N
Way (R)	N	Y	N	N	N	N	Y	Y	Y	Y	N	N	N	N	N	N	N	Y	N	N
Wedworth (D)	*	*	N	*	*	N	*	Y	*	*	N	N	Y	Y	N	Y	N	Y	Y	N
Whetmore (R)	N	N	Y	N	Y	N	N	Y	Y	Y	N	N	N	N	N	N	N	Y	N	N
Zenovich (D)	*	Y	N	*	Y	*	Y	*	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N

Senate

CONSUMER AFFAIRS

SB 261 (Roberti) — Requires grocery stores with computerized check-out service to stamp prices on all items. Passed 21-4.

SB 492 (Berryhill) — Repeals the minimum-price system for milk and dairy products. Passed 21-13.

SB 507 (Petris) — Requires that rainchecks be given to customers when advertised merchandise is no longer available. Failed 17-19 (reconsideration granted).

SB 557 (Petris) — Requires all gun advertisements to state that guns may not be sold to minors. Passed 21-9.

SB 775 (Mills) — Permits optometrists to offer and advertise discount products and services. Failed 15-19.

SB 818 (Moscone) — Places a majority of public members on regulatory boards in the Department of Consumer Affairs. Failed 13-20 (reconsideration granted).

CRIMINAL JUSTICE

SB 42 (Nejedly) — Eliminates indeterminate sentences for convicted felons. Passed 36-1.

SB 237 (Carpenter) — Denies probation for burglars with two or more prior convictions. Passed 24-3.

SB 278 (Deukmejian) — Prohibits granting probation to persons who used firearms in commission of crimes. Passed 31-3.

SB 574 (Robbins) — Prohibits use of cautionary instructions to jurors in rape cases, and denies probation to repeat rapists. Passed 28-0.

EDUCATION

SB 430 (Behr) — Provides increased funding for conservation-education programs. Passed 22-15.

SB 445 (Dunlap) — Authorizes school districts to establish alternative innovative schools. Passed 21-12.

SB 534 (Marks) — Adds a student to the trustees of the State University and Colleges. Passed 24-5.

EMPLOYMENT

SB 1xxx (Dunlap) — Enacts Agricultural Labor Relations Act of 1975. Passed 31-7.

HOUSING

AB 1x (Chacon) — Creates a Housing Finance Agency and provides for issuance of $500 million in bonds, to finance construction and rehabilitation of housing units. Passed 28-10.

SB 49 (Petris) — Requires the state to obtain federal aid for housing for the mentally and physically disabled. Passed 30-5.

SB 844 (Petris) — Bans discrimination based on sex or marital status in housing. Passed 21-13.

LOCAL GOVERNMENT

SB 631 (Holmdahl) — Authorizes a special district to conduct a tax-rate election by mail. Passed 27-5.

AB 888 (Hart) — Permits taxes to be levied above the 1972 (SB 90) maximums to meet costs of federally mandated programs. Passed 27-8.

MISCELLANEOUS

SB 8 (Robbins) — Makes the board of the Southern California Rapid Transit District elective rather than appointive. Passed 23-11.

VOTING RECORDS

Listed here are the votes of legislators on recent major roll calls through June 11th. Votes selected involve issues of major importance, issues on which there was a major division of opinion, or both.

Y — Yes
N — No
★ — Absent or not voting

A ⅔ vote is required for urgency measures, constitutional amendments, and appropriations.

Assembly: 41 votes required for passage of bills needing a simple majority.
⅔ = 54 votes.

Senate: 21 votes required for passage of bills needing a simple majority.
⅔ = 27 votes.

Assembly

BUSINESS AND PROFESSIONS

AB 484 (Papan) — Requires financial institutions to pay interest on impound funds. Passed 56-10.

AB 928 (McLennan) — Establishes joint underwriting association for medical malpractice insurance and sets maximum rates. Passed 63-3.

AB 952 (Papan) — Makes it a felony punishable by a fine up to $500,000 for any agent of a public utility to commit perjury before the Public Utility Commission. Passed 41-27.

AB 1134 (Egeland) — Eliminates the one-year waiting period for third-time applicants for physician's and surgeon's licenses. Passed 49-18.

AB 1873 (Papan) — Prohibits railroads from removing passenger cars from service without PUC approval. Passed 55-20.

CRIMINAL JUSTICE

AB 1170 (Berman) — Permits a stay-of-execution for enforcement of contempt orders against attorneys under certain conditions. Passed 46-19.

AB 1229 (Lanterman) — Permits courts to prescribe local treatment rather than hospital commitment for persons found incompetent to stand trial. Passed 44-26.

AB 1275 (Sieroty) — Repeals the mandatory 90-day sentence for persons found under

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

the influence of dangerous drugs. Failed 30-30.

AB 1281 (Sieroty) — Extends to prisoners the right to summon and receive the services of a physician. Passed 42-16.

EDUCATION

AB 326 (Chacon) — Requires school districts to employ bilingual personnel when 15 percent of a district's students are Spanish-speaking. Passed 53-15.

AB 1267 (Egeland) — Permits corporal punishment in public schools only upon parental approval. Passed 41-30.

EMPLOYMENT

SB 1xxx (Dunlap) — Enacts the Agricultural Labor Relations Act. Passed 64-10.

AB 292 (Deddeh) — Extends unemployment-insurance benefits to persons who leave work to accompany a transferred spouse. Passed 54-17.

HOUSING

SB 2x (Zenovich) — Creates the Housing Finance Agency and authorizes issuance of $800 million in bonds to finance low-income housing projects. Passed 63-8.

AB 744 (Berman) — Prohibits discrimination in the sale or rental of housing to students. Passed 41-26.

TAXATION

AB 343 (Kapiloff) — Revises gift and estate tax laws. Passed 45-24.

ACA 23 (Montoya) — Would reduce the majority needed to vote changes in taxes on banks, corporations and insurance companies from two-thirds to a simple majority. Adopted 58-20.

TRANSPORTATION

AB 918 (Warren) Requires the state to pay for regional computerized carpool services. Passed 52-16.

MISCELLANEOUS

AB 144 (Greene) — Permits, upon voter approval of constitutional amendment, bingo games by charitable organizations on a local-option basis. Passed 41-29.

AB 1832 (Tucker) — Requires a petition-circulator to affix dates of circulation to a petition instead of the date each person signed. Passed 43-25.

ASSEMBLY (54 D, 25R)	AB 484 AB 928 AB 952 AB 1134 AB 1873	AB 1170 AB 1229 AB 1275 AB 1281 AB 326	AB 1267 SB 1xxx AB 292 SB 2x AB 744	AB 343 ACA 23 AB 918 AB 144 AB 1832		AB 484 AB 928 AB 952 AB 1134 AB 1873	AB 1170 AB 1229 AB 1275 AB 1281 AB 326	AB 1267 SB 1xxx AB 292 SB 2x AB 744	AB 343 ACA 23 AB 918 AB 144 AB 1832
Alatorre (D)	YYYYY	YYYYY	YYYYY	YY*YY	Knox (D)	YYY*Y	YYYYY	YYYY*	*Y**Y
Antonovich (R)	NYNYN	NNNNN	NNNNN	NNNNY	Lancaster (R)	*YNNN	N***N	NNN*N	NNYNN
Arnett (R)	YY*YY	NYN*Y	NYNYN	NNYYY	Lanterman (R)	NYNYY	YYN*Y	NYYYN	NNYYN
Badham (R)	NYNNN	NNNNN	NNNNN	NNNNN	Lewis (R)	*YNNN	NYNNN	NYNYN	NNYYN
Bane (D)	*Y**Y	****Y	****Y	YYY*Y	Lockyer (D)	YYYYY	YYYYY	YYYYY	YYYNN
Bannai (R)	NYNNN	YYYNN	NYNYN	**NYN	MacDonald (D)	Y*YYN	***YY	****Y	YYYN*
Berman (D)	YYYYY	YYYYY	YYYYY	YYYYN	Maddy (R)	YYNYN	NYNYY	YYYYY	NYNYY
Beverly (R)	*YNNN	NYNYN	NYNY*	*NYNN	McAlister (D)	YYYNY	NNNNY	YYYYY	NYYNN
Boatwright (D)	YYY*Y	YNNYY	NYYY*	NY*YN	McCarthy (D)	YYYYY	YYYY*	YYYYY	YYYNY
Briggs (R)	***Y*	*NN**	NNYNN	NNNYN	McLennan (R)	NYNYN	NYNNN	NNNNN	NN*NY
Brown (D)	YNY*Y	YYY**	YYYYY	YY***	McVittie (D)	YYNYY	YYNNY	NYNY*	YYYYY
Burke (R)	NYNNN	NNN*N	NNNNN	NNNNN	Meade (D)	Y*YYY	YYYYY	YYYYY	YYY*Y
Calvo (D)	YYYYY	YYYYY	YYYYY	YYYNY	Miller (D)	Y*YYY	YYY*Y	YYYYY	*Y*NN
Campbell (R)	*YNNN	NNNNY	NNNNN	NNYNN	Mobley (R)	YYNNN	Y*NNN	NN*Y*	NNNNN
Carpenter (D)	YY*YY	Y*YY*	YYYYY	YYYYY	Montoya (D)	YY*YY	NY***	YYYY*	YYYY*
Chacon (D)	YY*YY	YY*YY	NYYYY	*Y*YY	Mori (D)	YYYYY	YYNYY	YYYYY	*YYNY
Chappie (R)	YYNNN	*NN*N	NY*YN	*YN*N	Murphy (R)	NYNNN	***NN	****Y	NNNNN
Chel (D)	YYNYY	YYYYY	YYYYY	YYYYY	Nestande (R)	YYNNN	NYN**	NYYNY	NNYYN
Chimbole (D)	YYNYY	YNNY*	YYNYN	YYYN*	Nimmo (R)	**NNY	NNNNN	NYNYN	NNYNY
Cline (R)	NYNYN	NNNNN	NNNNN	NNNYN	Papan (D)	YYYYY	YNYY*	YYYYN	YYYNY
Collier (R)	NYN*N	NNNNN	*NN*N	NNYNN	Perino (D)	YYYYY	*N*YY	YYYYN	YYYYY
Craven (R)	Y*NYN	*****	*****	*N**N	Priolo (R)	NYNYY	YN**N	NYN*N	NYNYN
Cullen (D)	**NYN	YYYYY	NYYYN	YYYYY	Ralph (D)	*YYYY	YY*YY	*YYYY	YYY*Y
Davis (D)	YYYYY	*NNNY	NYYYY	NYNN*	Robinson (D)	***NY	NYN**	NYYY*	NY*N*
Deddeh (D)	YYYYY	YN*YY	YYYYY	YYYYY	Rosenthal (D)	YYYYY	YYYYY	YYYYY	YYYYY
Dixon (D)	YYYYY	YYYYY	YYYYY	YYYY*	Siegler (D)	Y*YYY	*Y*YY	YYYYY	YYYYY
Duffy (R)	YYNYY	NYNNY	NYYYN	NNNYY	Sieroty (D)	YYYYY	YYYYY	YYYYY	YYY*Y
Egeland (D)	YYYYY	YYYYY	YYYYY	YYYYY	Suitt (D)	YYYNY	*N**Y	YY*YN	YYNY*
Fenton (D)	YY*YY	YNNYY	YYYYY	YYYYY	Thomas, V. (D)	**YYY	YN*YY	YYYYN	YYYNY
Foran (D)	YYYYY	YYYYY	YYYYY	YYYYY	Thomas, W. (R)	YYNNN	NYNNY	NYNYN	YNNNY
Garamendi (D)	YYYYY	*YNYY	NYYYN	YYYYY	Thurman (D)	YYY*Y	YYY*Y	YYYYY	YYYNY
Goggin (D)	YYYNY	YNYYY	YYYYY	YYYY*	Torres (D)	YYYYY	YNYYY	YYYYY	YY*YY
Greene, L. (D)	YYYY*	YY*YY	NYYYN	YYYYY	Tucker (D)	*****	*****	*****	*Y***
Gualco (D)	YYYNY	YNNYY	NYYYY	YYYYY	Vasconcellos (D)	YNYY*	YYY*Y	YYYYY	YYYYN
Hart (D)	YYY*Y	YYYYY	YYYYY	YYYYN	Vicencia (D)	YYY*Y	YY*YY	YYYYY	*YYYY
Hayden (R)	YY**Y	*NN*Y	YYYY*	YYYN*	Warren (D)	YYY*Y	YYY*Y	YYYY*	YYYNY
Ingalls (D)	Y*YYY	YNY*Y	YYYY*	YYYYN	Wilson (D)	**Y*Y	YY*YY	NYYYY	YYNNY
Kapiloff (D)	YYYYY	YNYYY	YYYYY	YYYYY	Wornum (D)	YYYYY	YYYYY	YYYYY	YYYYY
Keene (D)	YY*YY	YYYYY	YYYYY	YYYYY	Z'berg (D)	YNYYY	***YY	*YYYY	NYYYY
Keysor (D)	YYNYY	YYYYY	YYYYY	YYYNY	(one vacancy)				

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

A WASHINGTON PERSPECTIVE...

By Lou Cannon

Politician in exile

Jerome R. Waldie is a lobbyist now, a lobbyist who uses the accumulated knowledge which made him exceptional as a legislator and valuable as a congressman for nearly two decades. At 50, there are flecks of grey in his coal-black hair. His words are measured and reflective, and he talks of the House of Representatives the way exiles might talk of a great lost country to which they still give allegiance. It is a difficult time. "I'm making twice as much money as I did before and working half as hard," Waldie said recently over lunch two blocks from the U.S. Capitol. "And yet, if I could go down into the well of the House and be sworn in, I'd do it right now."

Lest we forget, Waldie ran for governor of Califonria in 1974. He ran badly, and he has not kept this reality from himself. Waldie does not blame the candidates who ran against him, nor the voters, nor the press. But there is a hurt inside him about what happened that candor will not erase.

* * *

Few politicians, of course, ever gave Waldie much chance to win the Democratic primary for governor. That was one of his principal obstacles, as Waldie himself recognized from the outset. In a taped interview with this reporter on March 9, 1971, Waldie listed his liabilities as (1) a lack of independent resources and seed money, (2) the relative anonymity of a congressman and (3) the "vehemence" of his opposition to the California Water Plan, which he felt would not necessarily endear him either to prospective contributors or to Southern California voters. But Waldie did not fully accept his own objective analysis. He also said: "If a man believes he ought to be governor, he ought not to be foolishly humble about it."

Waldie was not humble, and he became the first candidate to announce for governor. Looking back at his impulsive abandonment of a safe congressional seat, Waldie finds his own ego as providing the "most destructive" reason for his decision to run for governor. "I had never lost before," Waldie said. "After I announced for the Assembly, the Republican incumbent withdrew because of a textbook scandal. John Baldwin died in office, and I became the congressman. I had nothing to do with any of these events, but I had never been defeated before. I thought it was ordained and destined that I run for governor and that something would happen to the rest of the field."

Waldie's reliance on the "total luck" of his past career was abetted by a delusion that money had become a political handicap. Because of the scandals in the White House and elsewhere, Waldie perceived a revulsion against traditional big-money politics. He believed that the populist candidate also would be the popular one. "This was pure nonsense," he says in retrospect. "I don't know of anywhere that this happened. In California the Democratic candidates finished in order of the money they spent."

Jerome Waldie

Defeat has been kinder to Waldie than it has to many beaten candidates. He is making some $77,000 a year, three-fourths of it from his lobbying in behalf of the Letter Carriers and of the Recording Association of America. He also represents the American Independent News Distributors, Friends of the Earth and the Alameda Naval Air Station employees. He lectures at Cornell and has a small law practice. He has more time for his family. He has ripped up half the lawn behind his Bethesda home and planted a vegetable garden. Much of the personal debt remaining from his campaign has been liquidated, and life is comfortable. But no one who knows Jerry Waldie doubts that he means it when he expresses a willingness to make less and work harder if only he could become a congressman again.

Why do former politicians so miss their profession? Part of the reason in the case of Waldie (who believes it also was true for Jesse Unruh) is that he gave up an office he could have held to run for one he thought he wanted. "If I had been defeated, the decision would have at least been made by the voters," Waldie said. "The decision to leave Congress was a bad decision, but it was mine." Beyond this, however, there is an attachment to the life of politics so deep that Waldie apologizes for the triteness of saying that it is "in his blood". Waldie believes that the psychic rewards of politics stem partly from the "constant reaffirmation of being approved," partly from a sense of accomplishment, partly from the camaraderie of legislative life. But Waldie has not availed himself of the ex-congressman's privilege of the House floor. He thinks it wrong for a lobbyist to do so, but it is unlikely he would return to the floor in any guise except as a member of Congress. In a sense he is like the newspaperman turned flack who stays away from parties because he remembers too keenly his own former disdain for those who say, "I used to be a newspaperman once myself."

"There is a gulf, partly of my own making," says Waldie. "When I would see former members in the House, they'd be different. It would be an attitude of, 'There they are. They're not one of us.' It's pervasive."

* * *

But Waldie remains "one of them" in a deeper sense than he realizes. He is, in his self-created exile, a man of high ideals with a vision of his country and its future. Six months out of office he still receives nearly 50 letters a week from the Contra Costans he represented for 18 years in the state Assembly and in the House. In the Legislature he was respected for his mind and wit, but he also was suspected for the quality of his ambition and for a tendency to resolve difficult questions in favor of the Democratic Establishment. Waldie was far more independent in the House, courageously standing up to his own leadership at a time when most of his colleagues were dominated by the tradition of going-along-to-get-along politics. Most of the time, Waldie spoke his own mind and voted his own convictions. And he developed the rare gift of sometimes being able to see himself as others see him. This is no small thing in politics, as in any endeavor, and it has enabled Waldie to learn from his own defeat. Perhaps it also is the gift that will lead him back into public life.

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED

We need your help on this new Journal publication

We intend to publish a book of about 200 pages tentatively titled the *California Journal Almanac of California Government and Politics*. It will include a section on how California government works, basic information on the people and departments that comprise the executive, legislative and judicial branches of government (including district maps and photographs of elected officials), state finance, institutions of public education, city and county government, election results, how the 1974 Political Reform Act (Proposition 9) works, and miscellaneous lore of California, past and present. The softbound book will sell for about $3 a copy.

Now here's our problem: How many copies should we print?

It would be especially helpful to us if any potential bulk purchasers (five copies or more) would let us know in advance what their needs might be. We also welcome suggestions from anyone on what else might be included in the almanac.

Please write to Journal Almanac, 1617 10th St., Sacramento 95814, or call (916) 444-2840.

Politics has got so expensive that it takes lots of money to even get beat with. — *Will Rogers*

LICENSED TO UNZ.ORG
ELECTRONIC REPRODUCTION PROHIBITED